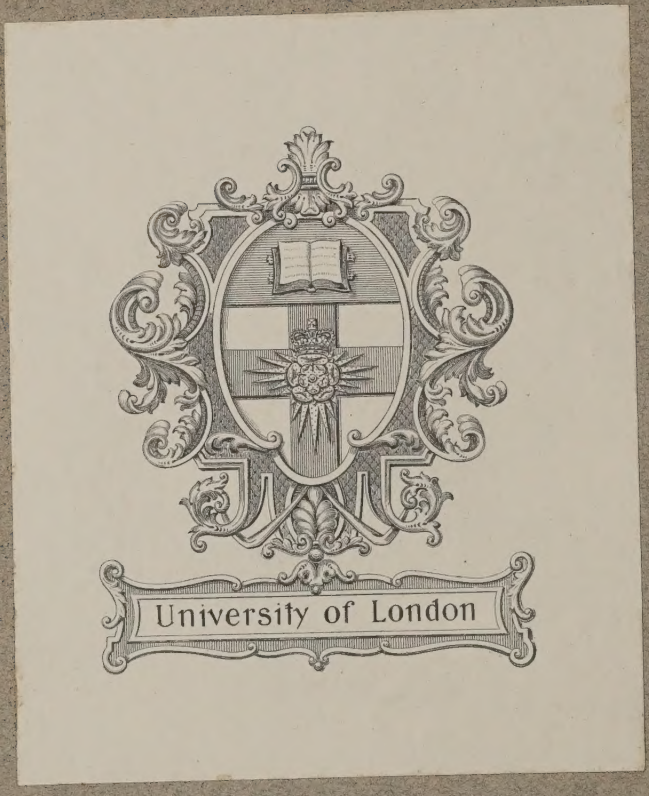
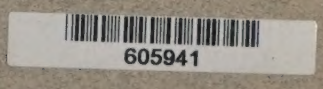

University of London


605941

REPORTS

FROM

COMMISSIONERS:

TWENTY-TWO VOLUMES.

—*(1.)*—

ALDERSHOT CAMP; ALKALI ACT;
COMMON LAW AND CHANCERY COURTS (ENGLAND AND IRELAND);
EMIGRATION; BRITISH FISHERIES; SEA FISHERIES, Vol. I.
(REPORT and APPENDIX.)

Session

1 *February* —— 10 *August* 1866.

VOL. XVII.

(folio portions)

1866.

REPORTS FROM COMMISSIONERS:

1866.

TWENTY-TWO VOLUMES.—CONTENTS OF THE

FIRST VOLUME.

N. B.—THE Figures at the beginning of the lines, corresponding with the No. at the foot of each Report, and the Figures at the end of the lines, refer to the NOS. Prefixed of it, Volume arranged for The Mines of Cornwall.

ALDERSHOT CAMP:

[370s.] REPORT of the Army Sanitary Commission on the Late Epidemic of Scarlet Fever among Children in Aldershot Camp - p. 1

ALKALI ACT, 1863:

[370r.] SECOND ANNUAL REPORT by the Inspector of his Proceedings during the Year 1865 - - - - - - - - - 33

[370r-I.] PLAN to Dito - - - - - - - - - - 77

COMMON LAW AND CHANCERY COURTS (ENGLAND AND IRELAND):

[370r-I.] SECOND REPORT of Hon. M. Avery's Commissioners appointed to inquire into the Separation Courts of Common Law and Courts of Chancery of England and Ireland, 1865 - - - - - 83

INEBRIATION:

[370r.] TWENTY-SIXTH GENERAL REPORT of the Inebriates Commissioners (1865) - - - - - - - - - 359

BRITISH FISHERIES:

[371s.] REPORT of the Commissioners for the Scotch Fisheries of their Proceedings in the Year 1865, being the Forty-two of 1865 - 559

SEA FISHERIES:

[559c.] REPORT of the Commissioners appointed to inquire into the Sea Fisheries of the United Kingdom, Vol. I. Report and Appendix - - - - - - - - - - 571

ARMY SANITARY COMMITTEE.

REPORT

ON

THE LATE EPIDEMIC

OF

SCARLET FEVER AMONG CHILDREN

IN

ALDERSHOT CAMP.

Presented to both Houses of Parliament by Command of Her Majesty.

LONDON:
PRINTED BY GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.
FOR HER MAJESTY'S STATIONERY OFFICE.

1866.

16000.

3708

CONTENTS.

REPORT:— Page

Statistics of Scarlet Fever - - - - 3
Statistics of Measles - - - - - 5
Comparison with the civil population - - - 6
Arms of the service affected - - - - 7
Localities where the epidemic occurred - - - 7
Diffusion of the disease - - - - - 9
Second and third attacks - - - - 10
Intervals of time between consecutive cases - - 11
Affected localities and intervals between attacks of measles - - - - - - - 12
Summary of facts - - - - - - 14
Infection - - - - - - - 14
Circumstances affecting the progress of the disease:—
Influence of season - - - - - 16
Character of the accommodation where the disease appeared - - - - - - 16
Summary of Evidence - - - - - 21
Practical suggestions - - - - - 22

APPENDIX:—

Table 1. Showing the Number of Admissions and Deaths from Scarlatina among the Children treated in the Hospital for Soldiers' Wives at Aldershot from 1st Jan. 1859 to 31st December 1864 - - - - 25

Table 2. Showing the Dates of Cases; also the Deaths from Scarlet Fever in the Camp at Aldershot from Oct. 1863 to June 30th 1865 - - - - 25

Table 3. Showing the monthly Admissions and Deaths among the Children in the Female Hospisal, and the Annual Return of Admissions and Deaths among the Troops from Scarlatina from 1st January 1860 to the 31st December 1860 - - - - - - 27

Table 4. Of the Dates, Cases, and Deaths from Measles in the Camp at Aldershot from February to June 1865 - - - - - - - - - 28

Table 5. Showing the estimated Population and Number of Deaths from Scarlatina (including Military), in the Districts of Farnborough and Farnham, in each Year from 1859 to 1864 - - - - - - 29

Table 6. Showing Population in 1861 under 15 Years of Age - - - - - - - - 29

Table 7. Showing the Cases and Deaths from Scarlet Fever and Measles in different Arms in the Camp at Aldershot from October 23rd, 1863, to June 30th, 1865 - - - - - - - - 29

Table 8. Showing the Dates and Localities of Scarlet Fever Cases; (also the Number of Inmates in Rooms or Huts, and the Distance in Feet at which consecutive Attacks occurred in the first 55 Cases) - - - 30

Table 9. Showing approximate Distribution of Women and Children in the Permanent Barracks and Huts at Aldershot during the Year 1864 - - - 35

Table 10. Showing the Number of Cases and Deaths from Scarlet Fever and Measles in Officers' and Non-commissioned Officers' Quarters - - - - - 35

Table 11. Showing the Numbers of Attacks and Deaths from Scarlet Fever and Measles in Men's Huts in the Lines of the North Camp - - - - - 36

Page

Table 12. Showing the total Number of Attacks and Deaths from Scarlet Fever and Measles in each of the Lines of the North Camp - - - - - 36

Table 13. Showing the Number of Attacks and Deaths from Scarlet Fever and Measles in Men's Huts in the Lines of the South Camp - - - - - 36

Table 14. Showing the total Number of Attacks and Deaths from Scarlet Fever and Measles in each of the Lines of the South Camp - - - - - 37

Table 15. Showing the Number of Cases and Deaths from Scarlet Fever and Measles among Families living in Permanent Barrack Rooms - - - - 38

Table 16. Ditto - ditto - in Permanent Married Quarters - - - - - - - 39

Table 17. Ditto - ditto - in Temporary Camps, Hospitals, Canteens, and Schools - - - 40

Table 18. Ditto - ditto - in Miscellaneous Classes of Accommodation - - - - - - 40

Table 19. Of the Dates and Intervals in Days between consecutive Attacks occurring among the first 55 Cases of Scarlet Fever in Aldershot Camp - - - 41

Table 20. Showing the total Number of Cases of Scarlet Fever which occurred in all Classes of Married Accommodation at Aldershot between October 23rd, 1863, and June 30th, 1865, together with the Number of Huts and Rooms which yielded single and multiple Cases of the Disease - - - - - - - - 41

Table 21. Showing the Number of Rooms and Huts in which there were single and multiple simultaneous Attacks of Scarlet Fever - - - - - 41

Table 22. Showing the Number of Days intervening between consecutive Cases of Scarlet Fever in the same Room or Hut in the various Classes of Married Quarters at Aldershot - - - - - - - 42

Table 23. Showing Intervals between successive Attacks of Scarlet Fever in the same Hut or Room - - 45

Table 24. Showing Dates and Localities of Cases of Measles - - - - - - - 45

Table 25. Showing the Number of Rooms and Huts in which there were single and multiple Attacks of Measles - - - - - - - 47

Table 26. Showing the Number of Rooms and Huts in which there were single and multiple simultaneous Attacks of Measles - - - - - 47

Table 27. Showing the Number of Days intervening between consecutive Cases of Measles in the same Room or Hut in the various Classes of Married Quarters - - - - - - - 47

Table 28. Showing Intervals between successive Attacks of Measles in the same Hut or Room - - - 48

Table 29. Showing Number of Rooms and Huts in which there were single and multiple first Attacks of Scarlet Fever - - - - - - - 49

Table 30. Showing the Cubic Content and Superficial Area of Huts at Aldershot affected with Scarlet Fever - - - - - - - - 49

Table 31. Showing the average Strength, total Number of Deaths, and Rates per 1,000 of Men, Women, and Children stationed at Aldershot from 1859 to 1864 inclusive - - - - - - - 49

Table 32. Showing the average Strength of the Troops, Number of Admissions, and Deaths from all Causes, and from Scarlatina, for each Year from 1859 to 1864, at Aldershot - - - - - - 50

REPORT

ON

THE LATE EPIDEMIC OF SCARLET FEVER AMONG CHILDREN IN ALDERSHOT CAMP.

To the Right Honourable the Marquis of Hartington, M.P., Secretary of State for War, &c., &c.

In conformity with our instructions we have made inquiry into the circumstances connected with the late epidemic of scarlet fever at Aldershot, and beg now to report the results.

From the very commencement of our inquiry it became evident that this epidemic, taking place, as it did, among well defined groups of children and under conditions most of which could be easily ascertained, would afford an opportunity rarely occurring of attempting to trace the history of scarlet fever in its progress through a given population. For this reason, while inquiring into any causes which might have added to the intensity of the disease, we at the same time directed our attention to various other points connected with its origin; the manner in which it attacked affected huts and quarters, and the degree of intensity with which the disease showed itself under different conditions.

In order to accomplish the ends we had in view it was necessary that a laborious statistical inquiry should be carried out, embracing not only the facts connected with the disease from the time we began the inquiry, but extending back as far as past records would enable us to obtain information. It was necessary even to make inquiry in regiments which had left camp, in order to gather together a class of facts which would otherwise have been lost. We have in this way collected a considerable amount of information of much interest and importance, for obtaining which our acknowledgments are due to the principal medical officer of the camp, Inspector-General Dr. Jameson as well as to other medical officers who have interested themselves in the work.

Two of the members of the Committee likewise visited the camp on two separate occasions to confer with medical officers and to examine on the spot the conditions under which scarlet fever existed at the time.

In discussing the facts we have ascertained, we shall in the first place give the statistics of the epidemic in Aldershot Camp and in the surrounding districts; the extent of the disease in different arms of the service and the localities specially affected. We shall next discuss the manner in which the disease diffused itself over the camp, including the history of second and successive attacks in the same huts and quarters, and the intervals of time between these attacks; we shall give also a short account of an epidemic of measles which broke out while scarlet fever was progressing; then we shall show in what class of accommodation scarlet fever was most severe, and the circumstances which appeared to have added to its intensity, including the sanitary state of huts and quarters; and we shall conclude this Report with a few practical suggestions for improving the health of children in camp.

Statistics o scarlet feve

The camp at Aldershot was first occupied by troops in May 1855. The strength in that month was 1,537, from which number it was gradually increased month by month until it exceeded 11,000 in the month of December of the same year. There is no record to show the number of women and children attached to this force, nor is there any available information, until the opening of the female hospital three years later, regarding the extent and nature of the diseases from which they suffered. We have therefore not been able to ascertain the date at which scarlet fever first appeared among children in camp, but this disease existed there at a very early period, for in the month of July 1855, the third month from the formation of the camp, there were two admissions from scarlet fever from among the troops. In the month of August there were six admissions from this disease. There was one case in September, there was one in October, and two cases in December, making 12 attacks of scarlet fever among the troops within a few months of their being sent to Aldershot.

During the first 12 months after the camp was occupied there were 43 admissions for scarlet fever among the troops, none of which proved fatal. There can be little doubt that scarlet fever existed at the same time in soldiers' families in camp if there were any children there at these dates.

The earliest statistical records regarding women and children commence in 1859. We can ascertain from them the average numbers in camp, but the records of disease are imperfect, as they include only cases treated in the female hospital, and not cases treated in huts or quarters.

We are hence unable to arrive at an accurate knowledge of the state of health of soldiers' families, and of the precise amount of disease existing among them. Assuming, however, that the hospital records contain the more severe and important cases, and bearing in mind that cases of scarlet fever were the most likely cases to be sent to hospital for treatment, we have been able to obtain a considerable amount of statistical information which throws much light on the sanitary state of the camp and on the causes which have led to the recent prevalence of epidemic diseases there.

[1] Table 1. The first statistical return, that for 1859,[1] shows that the average strength of children in camp was 1,509. From amongst these there were six cases of scarlet fever admitted to the female hospital, of which two proved fatal.

In 1860 the average strength of children had increased to 1,670, and there were 11 admissions, and one death from scarlet fever.

In 1861 the average number of children had fallen to 1,494, but the scarlet fever cases had increased to 29, and three of the cases proved fatal.

In 1862 there was a still further reduction in numbers to 1,314, but the admissions from scarlet fever rose to 46, and the deaths to eight.

In 1863 there were 1,507 children in camp, among whom there occurred 20 cases, and two deaths from scarlet fever.

[2] Table 2. Up to this period the disease had not taken on the epidemic character, and the statistical records[2] which we have received date the appearance of the epidemic from the 23rd October 1863, on which date a solitary case occurred, there having been no known case in camp during the preceding two months. On November the 27th there was another case. There were two cases on the 3rd December. The next case appeared on the 15th February 1864. The average number of children in camp was 1,762 during this latter year. There was a case on the 19th March, and another on the 13th April. None of the cases proved fatal. There is reason to believe that these were not the only cases, and that other slight cases were treated in huts and quarters, from not being considered of sufficient importance to be sent to hospital.

The real increase of the disease occurred in the month of May 1864. During nine days of this month there were 17 cases and two deaths. On four of the days there was one case per day. On two of the days there were two cases per day, and on three of the days there were three cases per day.

[3] Table 3. It is of importance to remark here that during the first four months of the five years for which we have records, namely 1860 to 1864,[3] there were only 11 cases and one death from scarlet fever, while during the last eight months of the same five years there were 277 cases and 41 deaths. The proportion of attacks during the last eight months of these years as compared with those of the first four months of the same years was as 12 to one, and the proportion of deaths as 20 to one.

It hence appears that, so far as concerns scarlet fever, the last eight months of the year are the most dangerous, at least at ordinary times.

As already stated, the deaths during the month of May 1864 were two in number and the hospital cases 17. In the month of June there were ten cases and two deaths in seven days; on three days there were two attacks per day. In July there were 21 cases and six deaths occurring in 13 days. On eight days there was only one attack per day. On three days two attacks per day. On one day there were three and on another day four attacks.

Thirty-five cases of scarlet fever occurred on 15 days in August, but on only four days of the 15 was there one attack per day, on the other 11 days the cases numbered two, three, four, and five a day. There were nine deaths during the month; on two days there were two deaths per day.

There were 22 attacks and five deaths in 11 days in September; mostly two, three, and four cases a day. On the 4th of this month there were three deaths.

In October there were 23 cases and seven deaths. In November 13 cases and two deaths. There were 21 cases and three deaths in December. One day of this month produced four cases and another five cases of the disease.

The early months of 1865 showed a remarkable departure from the apparent law of exemption of these months from scarlet fever, as brought out by the experience of five previous years.

There was no abatement, but, on the contrary, the disease continued its course as if to mark more conclusively its exceptional and epidemic character.

January	1865, afforded	22	cases and	5	deaths.
February	,, ,,	16	,,	6	,,
March	,, ,,	14	,,	2	,,
April	,, ,,	32	,,	8	,,

Making in all for these four earlier months 84 cases and 21 deaths, which may be compared with the total number of 11 cases and one death due to the same four months of the years 1860-1, 2, 3, and 4. In other words, the attacks were above thirty-eightfold more numerous in 1865 than the annual average for the same months during the preceding five years, and the deaths were as 105 to 1.

The maximum number of attacks in 1865 occurred in the month of May, during which there were 59 cases of this disease on 27 days, the highest number being eight cases on one day. There were five deaths during the month. In June there were 21 cases and only one death. The epidemic was declining, and we closed our inquiry on the 30th of the month.

We shall resume in a few words the statistical result of this epidemic attack.

In 1863 there were four cases and no deaths during October, November, and December of that year.

In 1864 there were 165 cases and 36 deaths. During the six earlier months of 1865 there were 164 cases and 27 deaths.

There were thus during the period included in the returns of the epidemic 333 cases and 63 deaths from scarlet fever.

Of these numbers there were among adult men 18 cases and 2 deaths.

Among adult women 15 cases and no deaths.

Among children 300 cases and 61 deaths.

Statistics of measles.

While scarlet fever was progressing in camp during the early part of 1865, another epidemic disease, measles, appeared under somewhat singular circumstances and engrafted itself on the scarlet fever.

It was stated that measles first appeared in the camp among children of a depot (85th regiment) which had arrived from a locality were this disease did not exist, and who did not bring it with them. They came into a district were scarlet fever prevailed. Two children of the regiment were attacked with scarlet fever in the first week of December, 1864; and two months afterwards, there having been no other scarlet fever cases among them in the interval, measles broke out among the children and finally extended over the camp.

The new disease so modified the existing scarlet fever epidemic, or was so modified by it, that it was difficult to tell the one disease from the other. Sometimes indeed they were thought to co-exist in the same subject, or to succeed each other. At last measles appeared to merge into scarlet fever, and almost disappeared from the returns.

The early attacks of measles were very fatal.

The first recorded case was on the 2nd February 1865.[1] Another case occurred on the 13th, and two others on the 16th and 18th. On the 17th there were three cases and one death. On the 19th two cases and two deaths. On the 27th and 28th there were on each day one case and one death; making in all 11 cases and six deaths for the month. In March there were 12 cases and one death. In April there were 54 cases and two deaths. On the 22nd of this month there were nine attacks. In May there were 21 cases and no deaths, and in June 16 cases and no deaths.

[1] Table 4.

Up to the 30th June there had been in all 114 cases of measles, of which nine had proved fatal.

The mortality from measles during the time of its prevalence in camp appears to have been entirely confined to soldiers' children. The total deaths from this disease in the registration districts of Farnborough and Farnham in which the camp is situated amounted to 11 for the first six months of 1865. They all took place after measles had broken out in camp. Nine of these deaths are known to have occurred in soldiers' families, and it is very probable that the other two deaths may have been overlooked or that they may have occurred in children of civilian parents living in camp, and may not have been reported to the principal medical officer.

In Farnborough district, which includes the North Camp, there were no deaths from measles registered.

Comparison with the civil population.

We next proceeded to make inquiry as to the degree of prevalence of scarlet fever in the district of country in which the camp is situated. We applied to the Registrar General for the statistics of mortality and also for the estimated population in the two registration districts of Farnborough and Farnham, which include and surround the camp on all sides, and the result of the information we have obtained is as follows [1]:—

[1] Table 5.

The census returns for Farnborough and Farnham include the military in camp; and the registered deaths in the two districts contain also the deaths occurring in camp.

The following table gives the estimated population for both districts at the middle of each year, corresponding to the returns obtained for soldiers' families, and also the deaths from scarlet fever.

FARNBOROUGH AND FARNHAM.

Years.	Population.	Deaths from Scarlet Fever.
1859	42,308	9
1860	43,828	11
1861	45,435	13
1862	47,134	22
1863	48,929	28
1864	50,828	118

This table shows a considerable prevalence of scarlet fever in the country, but as both the population and deaths include the military, it is necessary to deduct the camp population and also the camp mortality from these numbers in order to ascertain the civil mortality.

The shortest way of arriving at the result will be to take the population under 15 years as representing the ages at which scarlet fever prevailed.

In the census year 1861, the average population of Farnborough and Farnham under 15 years of age, including those in camp, was 12,160.[2]

[2] Table 6.

The average strength of children in camp (assuming all to be children who are under 15 years of age) was 1,494 [3] in the same year. The numbers have varied somewhat from year to year.

[3] Table 1.

If we assume the civil population under 15 outside the camp as tolerably constant, and as being represented by the difference between the total census population under that age, and the number of children in camp in the census year, we shall have 10,666 on which to calculate the civil mortality. From these data we obtain the following results, showing the comparative mortality outside and inside the camp from scarlet fever:—

Years.	Scarlet Fever. Deaths. — Farnborough and Farnham.	Scarlet Fever Deaths. — Aldershot Camp.	Approximate Rates of Mortality from Scarlet Fever per 1,000 per annum. — Farnborough and Farnham.	Aldershot Camp.
1859	7	2	0·65	1·3
1860	10	1	0·93	0·6
1861	10	3	0·93	2·00
1862	14	8	1·3	5·4
1863	26	2	2·4	1·3
1864	90	35	8.4	23·4

Assuming these data to be approximately correct they prove that scarlet fever even in its epidemic form has by no means been confined to the camp, but that it has extended its ravages over the whole district of country. The latest return we have received from the Registrar General shows that during the six months January 1st to June 30th 1865 [4] there were 91 deaths from scarlet fever in the same districts. Of these deaths 26 occurred among children in camp, leaving 65 among the civil population outside. By reducing the facts to the same general expression applied to the previous data, we find that during the first six months of 1865 the mortality from scarlet fever among young persons of the civil population outside the camp was in the annual ratio of 6 per 1,000 per annum, and among similar ages within the camp the mortality was in the ratio of under 15 per 1,000 per annum. This comparison of course shows no more than that among the same number of population within the camp* about five deaths from scarlet fever took place during the six earlier months of 1865 for every two deaths which occurred among the civil population outside.

[4] Table 6.

* The number used in this calculation is 1,762 children, the nearest estimate in our possession.

The results of the statistics are not favourable to the camp. They show that when an epidemic influence prevails over the whole country within which the camp is placed, young persons living within the camp are far more exposed to danger than the same ages outside. This has unquestionably been the experience of the late epidemic.

Aldershot Camp is placed in one of the healthiest districts of England. The average mortality for all ages including the deaths in camp is only 16·2 per 1,000, and nevertheless in so favourable a country and with the supervision and prompt medical attendance available in the camp there is this large amount of sickness and mortality from epidemic diseases among the young.

Arms of the service affected.

Scarlet fever appears to have attacked the children of all the corps in camp.[1]

There were seven cases and four deaths among the Royal Engineers, besides 10 cases of measles, one fatal.

[1] Table 7.

The Royal Artillery and Royal Horse Artillery yielded 64 cases and 19 deaths from scarlet fever, and 13 cases of measles. Four scarlet fever cases and two deaths occurred among men, and one woman was affected. No adults suffered from measles.

Among cavalry regiments there were 43 cases and nine deaths from scarlet fever. Two cases occurred among men, and four among women. There were besides two cases of measles.

Fourteen infantry regiments or parts of regiments were affected; besides others whose corps is not stated. Among these regiments there occurred 180 cases and 23 deaths. 12 privates and 6 women were affected, but none of them died. The deaths from scarlet fever were all among children. There were besides 67 cases and eight deaths from measles in these regiments. No adults were attacked with measles. The deaths from measles were all among children. In one regiment, the 85th, there were 24 cases of measles and seven deaths.

In the Military Train there were 23 cases and three deaths from scarlet fever, besides six cases of measles. None of these cases happened in adults of the corps.

There were three cases and three deaths from scarlet fever in non-commissioned officers' quarters of the Army Hospital Corps. Besides one case of measles.

Localities where the epidemic occurred.

The next point in the inquiry was to ascertain where the disease had occurred. We have been able to obtain the precise localities of the cases, and we shall give the general result of this investigation.*

The accommodation provided for soldiers' families is scattered all over the camp, and is of the following description:—

Various classes of accommodation for officers, non-commissioned officers, &c.

Wooden huts in the North and South Camps.

Barrack-rooms in permanent barracks.

Permanent married quarters.

The cases and deaths in each class of accommodation have been as follow:†—

1. *Officers' Quarters.*—14 cases of scarlet fever and three deaths; also 16 cases of measles.[2]

[2] Table 10.

2. *Non-commissioned Officers' Quarters.*—14 cases and three deaths from scarlet fever, and two cases of measles.[3]

[3] Table 10.

3. *Wooden Huts, North Camp.*[4]—The average number of children in the lines of the North Camp was 296. There were 29 huts affected, which yielded 35 cases and 10 deaths from scarlet fever, besides two cases of measles. In this camp five cases of scarlet fever, but no case of measles happened in adults. There were 30 cases and 10 deaths from scarlet fever among children. In two huts there were cases of measles only.

[4] Tables 11 and 12.

4. *Wooden Huts, South Camp.*[5]—The number of children in the South Camp averaged 767. Sixty-three huts in this camp were affected with scarlet fever or measles. In 49 scarlet fever huts there were 96 cases, and 16 deaths from scarlet fever. There were besides 43 cases and eight deaths from measles partly in huts affected with scarlet fever. In 14 huts there were cases of measles alone. Two cases of scarlet fever happened among adults in the South Camp. There were 94 cases and 16 deaths from scarlet fever among children. No adults were attacked with measles.

[5] Tables 13 and 14.

5. *Permanent Barrack* rooms, used mostly as married quarters.[6] Barrack rooms were occupied as married quarters in the cavalry, artillery, and infantry barracks. They contained 216 children. Cases of scarlet fever occurred in 46 rooms in permanent

[6] Table 15.

* Table 8 gives the localities of all the cases.

† The number of children in each class of accommodation for 1864 are given in Table 9.

barracks. The total number of cases in these rooms was 76, and the deaths 21, There were also 31 cases and one death from measles in rooms of this class. Ten rooms which escaped scarlet fever yielded cases of measles among their occupants.

On analysing the returns it appears that 13 of the rooms affected with scarlet fever yielded cases ten in number among men and six among women. Two of the cases among men proved fatal. Deducting the cases and rooms in which only men were affected from the total number, it would appear that 38 barrack rooms more or less occupied by married people and children were affected, and that 60 cases and 19 deaths from scarlet fever took place among children in them. All the cases of measles were among children.

[1] Table 16.

6. *Permanent Married Quarters.*[1]—There were 483 children in permanent married quarters of the cavalry, artillery, and infantry. Scarlet fever broke out in 37 rooms. There were 48 cases and seven deaths, all among children, besides a case in a woman. There were 10 rooms attacked by measles only, in which there were 11 cases, but no deaths from measles.

[2] Tables 17 and 18.

Scarlet fever and measles also occurred in other classes of accommodation in various parts of the camp.[2]

Three canteens were attacked and yielded six cases of scarlet fever; one case in a woman.

In two schools there was one case of measles in each, but no scarlet fever.

In one telegraph hut there occurred one case of scarlet fever, and two cases of measles.

The sick in four hospitals were attacked under the following circumstances:—In the large hospital called the "Union," one case of scarlet fever occurred in a man under treatment for another disease. In the woman's hospital there were three cases and one death. The fatal case happened in a child. There was one case in the child's hospital on January 19, 1865, and one case in a soldier under treatment for *ulcus* in the hospital, V. lines, South Camp.

In the following Abstract we have given the total results of this part of the inquiry:—

Nature of Accommodation.	Number of Rooms or Huts, &c. attacked with			Totals.	Scarlet Fever.		Measles.		Remarks.
	Scarlet Fever only.	Scarlet Fever and Measles.	Measles only.		Cases.	Deaths.	Cases.	Deaths	
Men's huts, North Camp -	27	..	2	29	35	10	2	..	
Men's huts, South Camp -	40	9	14	63	96	16	43	8	
Permanent barrack rooms -	39	7	10	56*	76	21	31	1	
Permanent married quarters -	37	..	10	47	49	7	11	..	* Most of these rooms were used temporarily as married quarters.
Officers' quarters - - -	5	..	6	11	14	3	16	..	
Non-commissioned Officers' qurtrs.	4	1	1	6	14	3	2	..	
Miscellaneous - - - -	14	2	3	19	18	1	6	..	
	166	19	46	231	302	61	111	9	
Camps (families tented out) -	4	..	1	5	19	1	1	..	
Hospitals - - - -	4	..	..	4	6	1	..	..	
Canteens - - - -	3	..	..	3	6	..	..	..	
Schools - - - - -	..	..	2	2	..	..	2	..	
Totals - - -	177	19	49	245	333	63	114	9	

A large number of families were removed from infected huts and quarters and tented out in the period from the 5th May to the 18th August 1865. The average number of children under canvas during this time was 308. Among these there occurred 19 cases and one death from scarlet fever, besides one case of measles, from May 5th to June 30th 1865, and from June 30th to the breaking up of the camp on August 18th there were three cases and one death. In $3\frac{1}{2}$ months there were thus 22 cases and two deaths among 308 children under canvas. Most of the attacks appear to have taken place shortly after the families were moved out of huts and rooms where the disease existed.

For reasons already stated we have not been able to obtain a perfectly accurate list of all the cases which have occurred in different classes of accommodation so as to deduce the true death rate to cases. If we suppose, however, that cases similar in character were received into hospital from huts and permanent buildings used as married quarters, and if we assume the cases and deaths among *children* (excluding adults), as the true

measure of the sanitary state of each class of quarters, we arrive at the following ratios of attacks and deaths :—

Class of Accommodation.	Number of Children.	Scarlet Fever among Children.		Ratio per 1,000 of Children.		Died per 1,000 of Children attacked.
		Cases.	Deaths.	Attacked.	Died.	
Huts, North Camp - - -	296	30	10	101·	34·	336·
Huts, South Camp - - -	767	94	16	122·	20·8	170·
Barrack rooms - - - -	216	60	19	270·	88·	316·
Permanent married quarters -	483	48	7	99·3	14·3	146·

The numbers in this table are too small to enable any general conclusion to be drawn from them, but we must admit the facts as they stand, and in doing so we learn from them that during the late epidemic the proportion of attacks and deaths from scarlet fever among children in the different classes of married quarters varied to a very remarkable extent.

In permanent barrack rooms used as married quarters 27 per cent. of the children were attacked, and 8·8 per cent. died. Taking the huts of the North and South Camps together, we find that 11½ per cent. of children in them were attacked, and that the deaths were somewhat under 2½ per cent. In the permanent married quarters the attacks were under 10 per cent. and the deaths 1·4 per cent. of the children.

The period when families were camped out does not admit of statistical comparison with the periods in the preceding table. It may be stated, however, that during the time the camps were occupied the ratio of attacks calculated on the average number of children was 7 per cent. and the mortality a little more than 0·6 per cent.

The per-centage of deaths to cases treated was highest among cases brought from the North Camp; it was less in cases from barrack rooms, and still less in cases from permanent married quarters and from huts in the South Camp. The deaths to cases was lowest of all in tents.

The facts taken simply as they stand lead to the following conclusion, viz. :—

That among separate groups of children under 15 years of age, of precisely the same classes, differing only in the locality where they dwelt and in the character of their accommodation, scarlet fever showed itself with very different degrees of intensity and fatality.

We shall state afterwards the sanitary conditions under which these various groups of children were placed.

These, then, are the more important facts in regard to locality bearing on the history of this epidemic, and we now proceed to inquire in what manner the disease appeared and diffused itself over the camp.

Diffusion of the disease.

The information which we have been able to obtain on this important part of the inquiry is tolerably complete, but it has been obtained with much greater labour than could have been anticipated. This has partly arisen from the removal of regiments, the limited nature of the records regarding soldiers' families which have been hitherto available, and the difficulty of tracing the history of early epidemic cases, unless the inquiry is undertaken at the time they occur. The same difficulty has always existed with regard to the early history of all epidemics, and it has been too much the practice in times past to supplement the deficiency of trustworthy observations by assuming some special hypothesis or manner of propagation to which all the apparent facts may be referred as a final solution of the difficulty. We shall endeavour to avoid this by resting as much as possible on the circumstances of the case, stating simply what has occurred and the obvious deductions following from the events.

The first fact of importance is one already mentioned, namely, that scarlet fever has existed in the camp from its earliest occupation. We have thus before us the remarkable fact, that on an elevated healthy district of country, the bringing together of a number of human beings for the first time under the same roof with limited cubic space and deficient ventilation consequent thereon, has been followed by attacks of this disease.

The next important fact is one stated by several medical officers, and which has doubtless been intimately connected with the severity of the attacks, and that is, the constitutional state of children who have suffered. It appears from the evidence laid before us, that weak, languid, scrofulous constitutions have been specially liable to the disease, and that in cases under treatment scarlet fever has shown an adynamic character, and has been attended with cerebral and other complications, sloughing, &c., in fatal

cases. These events are by no means unusual; they frequently occur during severe epidemics. Wherever weakened and scrofulous constitutions are found in the majority of cases attacked, or at all events in the fatal cases, the fact indicates the pre-existence of causes tending to lower the general standard of health of the population which suffers.

In pursuing the inquiry we ascertained the precise huts or rooms where the cases occurred, with the dates of attack, in order to discover whether the disease propagated itself in any defined manner. We have thrown the results as regards the first 55 cases into a table given in the Appendix, from which the following facts are abstracted.*

The first recognized case of the late epidemic took place in the centre block of the infantry barracks, on the 23rd Oct. 1863. This block, as will afterwards be seen, was one of the special seats of the disease. The second case took place on the 27th November, about five weeks afterwards, in a hut in M. lines, South Camp, at a distance of 1,800 feet from the first. On December the 3rd two attacks occurred simultaneously in a hut in F. lines in the South Camp, 750 feet from the second case.

There was then a lull in the disease until the 15th Feb. 1864, when a case appeared in a barrack room over a stable in the east block cavalry barracks 3,000 feet distant from the case immediately preceding it in date. The next case occurred in H. lines, North Camp, on 19th March, at a distance of 8,000 feet from the former one.

No. 6 troop room, over a stable in the cavalry barracks, was attacked on April 13th. This case was 10,000 feet distant from the one immediately preceding it.

All these cases happened at considerable intervals of time, and no additional cases are known to have happened in any of the rooms until long after.

In the month of May 1864 the attacks became more numerous, and followed closer on each other. On May 2nd a case occurred in the South Camp 7,580 feet distant from the case of April 13th; on the 4th May three children were attacked simultaneously, and on the 6th another attack took place in the same hut in R. lines, South Camp. This hut was 1,300 feet distant from that in which the case occurred on May 2nd.

The disease next appeared at a distance of 5,500 feet from the hut in R. lines, and struck the cavalry married quarters, No. 16 room, on May 12th. Three days afterwards, on the 15th May, a case occurred in No. 10 room in the same building, and on the same day there was a case in a cavalry troop room, 600 feet distant from the others; on the 18th a second case occurred in No. 16 room. The next case was in a cavalry troop room 500 feet away, on the 20th of May; on the same day two other cases appeared, one in a hut in the South Camp 5,500 feet away from the last case, and another in an officer's mess kitchen 150 feet from the last-mentioned hut. Three days afterwards, on the 24th May, there were three simultaneous attacks, one in a hut in R. lines, South Camp, one in a cottage of the Royal Engineers, and one in permanent married quarters. These three simultaneous cases occurred at distances of 7,500 feet and 5,600 feet from each other. In the months of June and July, during which the remainder of the 55 first cases occurred, there was exhibited the same tendency to attack points at long distances from each other; 2,000 feet, 4,000 feet, up to 6,600, 7,000, and upwards of 8,000 feet were the usual distances. If the fatal cases be taken as a test of distance, we find the same rule to hold. The two first fatal cases on the 12th and 20th May occurred in children taken from rooms in the cavalry barracks 1,000 feet from each other. The next fatal case was on the 21st June from X. lines, South Camp, 6,250 feet distant. The next death took place in a hut in R. lines 450 feet distant on the 23rd. A fatal case occurred early in July in 6 troop room, S. cavalry barracks, 6,500 feet away, and so with the others.

These facts go to show that this epidemic followed the usual law of epidemic diseases, that is, it began by unconnected scattered cases occurring at considerable distances from each other, and at considerable intervals of time, and that it did not spread from fixed centres to surrounding huts or rooms.

Second and third attacks.

A very important branch of the inquiry relates to the occurrence of second and third attacks in the same patient, and in the same huts or rooms.

In the first place we have positive evidence that in several instances children were admitted to hospital with second attacks of scarlet fever.

On examining the facts relating to simultaneous and consecutive cases in huts, we find that in the 55 early cases already referred to, they stand as follow[1]:—

[1] *Vide* Table 19.

* Table 8. This table also gives the localities of all the cases, together with the distances between the first 55 cases and the number of occupants of affected rooms or huts. The principal data have been transferred to the accompanying map.

In 37 hut, F. lines, South Camp, two cases occurred simultaneously on December 3rd 1863. In an officer's hut in R. lines, South Camp, three cases occurred simultaneously on May 4th, 1864; another case took place in the same quarter on the 6th.

In No. 16 room of the cavalry married quarters one case occurred on May 12th and one on May 18th.

In No. 2 hut, X. lines, South Camp, the first case appeared on 21st May 1864; the second on June 30th; a third case followed on July 7th. In No. 3 hut, X. lines, South Camp, there was a case on June 21st and another on July 7th.

In field officers' quarters, R. lines, South Camp, a case occurred on the 23rd June and another on the 1st July.

In No. 2 officers' hut, S. lines, South Camp, the first case occurred on June 24th, the second on July 7th.

In No. 20 hut, L. lines, North Camp, a case appeared on the 3rd July and another on the 5th.

In No. 22 hut, R. lines, South Camp, there were three cases, one on the 8th July, another on the 23rd, and another on the 29th.

These 55 earlier cases occurred in 37 huts, quarters, or rooms.

In 27 rooms out of 37 there was one attack per room.

In one case there were two attacks and in another three attacks on the same day.

In one instance the second case followed the first at the interval of a day.

In two instances the interval was two days.

In two instances the interval was six, in one seven; in one instance eight; in one 13; in one 15; in one 16, and in one 40 days.

We have been enabled to follow out this inquiry to nearly all the affected quarters in the camp, and we shall state the facts as regards the number of attacks per room, and also the intervals of time between the attacks.

In the North and South Camps there were 76 huts attacked with scarlet fever, and in these huts there occurred 131 cases, and 26 deaths (including those among men).

In 52 of the 76 huts there was only one case per hut, and one death in each of 12 huts (12 deaths in all).

In 11 huts there were two cases per hut and four deaths, two in one hut and one in each of two other huts.

In six huts there were three cases per hut and four deaths (one in each of four huts).

In two huts there were four cases per hut and one death.

In one hut there were five cases, none of which proved fatal.

In two huts there were six cases in each, and two deaths in each.

In two huts there were seven cases in each and only one death.

The corresponding results as regards permanent buildings—Barracks, married and other quarters—were as follows:—

Total rooms of all classes affected with scarlet fever, 109; cases, 171; deaths, 35. Of these 109 rooms, 75 had one case per room, and one death in each of ten rooms (ten deaths in all).

In 24 rooms there were two cases per room, in four of these rooms there were two deaths in each, and in four rooms, one death in each. In four rooms there were three cases per room, with five deaths, one in each of two rooms, and three in another room.

In three rooms there were four cases in each, and two deaths, one in each of two rooms.

In one room there were five cases and two deaths, in another room there were seven cases and no deaths; and in another room there were 12 cases and three deaths.

The permanent married quarters, which afford only one rather small room per family, had 37 rooms affected, in which there were 49 cases and seven deaths.

In 25 of the rooms there was one case per room, and one death in each of two rooms. But 12 rooms had each two cases per room. In one of these rooms there were two deaths and there was a death in each of three other rooms.

Taking all classes of accommodation together, we find that in 185 affected rooms, huts, and quarters, there were 302 cases and 61 deaths.

That 127 rooms had only one case each and 23 deaths in all, and that there were 58 rooms with more than one case per room, and 38 deaths among them.*

Intervals of time between consecutive cases.

As regard the intervals of time between attacks, we find that in 14 huts or rooms there were two simultaneous attacks on the same day. That in six instances there were three simultaneous attacks the same day, and that in three instances four cases per hut occurred the same day. There were 23 huts or rooms therefore in which the multiple attacks in each hut were simultaneous, and the total number of cases occurring in this way was 58 [1]. [1] Table 21.

* Table 20 gives the facts in detail.

Where intervals between the attacks in the same hut or room of a day or more occurred they were in the following proportions:—[1]

Tables 22 and 23.

In 8	examples the interval was	1 day		In 4	examples the interval was	18 and 19 days
„ 7	„ „	2 days		„ 3	„ „	20, 24, and 25 days
„ 6	„ „	3 „		„ 2	„ „	4 weeks
„ 4	„ „	4 „		„ 2	„ „	5 „
„ 7	„ „	5 and 6 days		„ 1	„ „	6 „
„ 4	„ „	7 days		„ 1	„ „	7 „
„ 7	„ „	8 to 11 days		„ 1	„ „	8 „
„ 4	„ „	12 days		„ 2	„ „	3 and 4 months
„ 7	„ „	13 to 16 days.				

In 8 instances the intervals between succeeding cases varied from four to 6, 8, and 13 months. Out of all the attacks recorded, there were only 49 or 50 in which the interval between first and second, or second and third attacks in the same hut or room was under a fortnight.

A few examples of the order of succession of attacks in individual huts and rooms will serve further to illustrate this part of the subject.[2]

[2] *Vide* Table 22.

In 31 hut, H. lines, North Camp, there were two cases of scarlet fever, the first on October 17th, 1864, the second on January 13th, 1865, giving an interval between the attacks of 88 days.

There were two attacks in No. 20 hut, L. lines, North Camp; the first was on the third, the second on the 5th July 1864. Interval two days.

In 22 hut, N. lines, South Camp, where there were two cases, the first occurred on June 21st, 1864; the second on July 11th. Interval 20 days.

There were two attacks in No. 4 hut, E. lines, South Camp, both on the same day, November 13th, 1864. Two attacks took place in No. 10 hut, E. lines, one on the 6th, the other on the 21st September 1864. Interval 15 days.

The experience obtained in huts, where the cases were so numerous as almost to constitute distinct endemic attacks, was as follows:—

In 40 hut, M. lines, North Camp, there were three cases, the first on November 20th, 1864, the second on the 23rd, the third on December 5th. The successive intervals were three and 12 days.

No. 12 hut, E. lines, South Camp, yielded seven cases, the first on September 4th, 1864; next day, the 5th, there were three simultaneous cases. On the 6th there was another case. There were no more cases till October 9th, when a case appeared after a cessation of 33 days. The last case in this hut took place on the 13th October, four days later.

In No. 20 hut, E. lines, South Camp, there were in all six cases. On August 30th, 1864 there were three simultaneous attacks in this hut. The next case was on September 2nd, after an interval of three days; the next case on the 4th September, interval two days; the last case was on October 31st, the interval being 57 days.

In 31 hut, R. lines, South Camp, on May 24th, 1865, four cases of scarlet fever occurred simultaneously; next day, the 25th, there were two cases; next day, the 26th, there was one case, and the disease ceased.

In 5 hut, X. lines, South Camp, there were six cases, the first on June 30th, 1864, the second on April 27th, 1865, nearly 10 months after. On May 8th, 1865, 11 days after the previous case, there were two simultaneous attacks; seven days later, on the 15th, there was another case; and six days later, on the 21st May, the last case occurred.

Hut No. 21, Y. lines, South Camp, had five cases. On December 12th, 1864, there were four simultaneous attacks, and there was no other case, till January 5th, 1865, when the last case occurred, after an interval of 24 days.

We shall afterwards show that in permanent buildings the disease attacked the inmates at irregular intervals of time and distance, as it did in huts.

Affected localities and intervals between attacks of measles.

The outbreak of measles followed a somewhat similar law, modified, however, by the fact that this disease fastened itself, in the first instance, specially on the children of the 85th regiment, among whom it first appeared.

Families belonging to this regiment were quartered in the South Camp, in huts in G. H. M. and S. lines. On the 4th December 1864 a child of the 85th was attacked with scarlet fever in 21 hut, M. lines. A second child was attacked with scarlet fever in 23 hut, G. lines, on the 7th December, and there were no more epidemic cases in the regiment until February 2nd, 1865, on which date the first case of measles took place in No. 13 hut in M. lines.[3] There was no other case in this hut. The next case in succession occurred in No. 18 hut on February 13th. This hut stands in another row, distant

[3] *Vide* Table 24.

about 100 feet from No. 13. It is important to remark that a private soldier of the 85th regiment had been seized with scarlet fever in this same hut on February 6th, that is, seven days before the measles showed itself. The third case of measles appeared on the 16th February in No. 15 hut, M. lines, which is the hut next to No. 13. The disease then struck S. lines. In No. 5 hut (distant 1,700 feet from No. 15 in M. lines) there were three simultaneous attaeks on the 17th February in children of the 85th. One of these proved fatal. Two days later, on the 19th, other two simultaneous attacks, both attended by fatal results, occurred in the same hut (No. 5).

On the preceding day a fatal case occurred in No. 16 hut, M. lines (the hut next to No. 18, and opposite to No. 15, both of which had been affected). Five days earlier, on the 13th, there had been a fatal case of scarlet fever in the same hut, in a child of the same regiment, the 85th.

The next cases occurred in No. 19 hut, M. lines, one on the 27th, the other on the 28th February, in children of the 85th, both fatal. A hut and pathway lie between this hut and the nearest huts previously affected.

The first case of measles which showed itself out of the 85th regiment took place on the 11th March in a child belonging to the 44th regiment living in hut 21, H. lines, at a distance of 780 and 2,480 feet from the huts in M. and S. lines, to which the disease had been previously confined. But there were children of the 85th regiment in this same hut, one of which had been attacked with measles on the 3rd March, a week before, of which it died. Two other cases occurred in this same hut in children of the 85th on the 21st and 22nd March. On the 18th a case occurred in a child of the 85th at Government House, New Town, in another neighbourhood altogether, 4,400 feet away from S. lines.

On the same day, March 22nd, on which measles occurred in the hut in H. lines, it broke out in the 1/14th regiment in the east infantry barracks, 1,340 feet distant. On the 27th it appeared in the artillery barracks, about 1,800 feet from the infantry barracks. After this date the disease appeared in various and distant parts of the camp; several times it attacked lines as well as huts. For instance, on April 3rd two cases appeared in huts Nos. 3 and 7, in O. lines, and in the latter hut a second case, a fatal one, took place next day. On the 5th two other cases occurred in No. 7 hut.

On the 15th April it attacked huts 9 and 12 in E. lines, and No. 3 hut, F. lines, South Camp. In hut 9 there were two simultaneous cases.

In the North Camp one hut in C. lines and one in I. lines, only, yielded each a case.

In the South Camp there were cases of measles in 15 lines, and 23 huts were attacked.

Blocks of permanent barracks and married quarters were attacked somewhat similarly.

There was no case in the cavalry barrack rooms.

There were 9 cases in three rooms of the permanent artillery barrack.

In the permanent infantry barracks 14 rooms afforded 22 cases.

There were 18 cases in eight quarters belonging to officers and non-commissioned officers.

There were 11 cases of measles in 10 rooms in permanent married quarters.

Table 25 gives the total rooms and huts affected with measles in all classes of accommodation. It will be seen that out of 67 affected quarters there were in 12 instances two successive cases in the same hut or room.

In five huts or rooms there were three consecutive cases, in four four, in two five, and in one hut there were six consecutive cases.

Table 26 shows the relative proportions of single and simultaneous attacks of the disease. In eight huts or rooms there were in each two cases, in two huts there were three cases, and in one hut four cases on the same day.

Tables 27 and 28 show the intervals of time which elapsed between attacks in the same hut or room yielding more than one case. In seven such instances the interval between the first, second, and subsequent attacks was a day, in six it was two days; in two four days, in one five days, three eight days, in one 10 days. In one instance the interval was 21 days, in another 22 days.

In 19 huts or rooms which yielded 35 cases of measles there had been scarlet fever previously.

In 46 rooms yielding 76 cases of measles there had been no scarlet fever.

It will be seen from what has been stated in regard to measles that, with the exception in the 85th regiment, already stated, this disease afforded a considerable proportion of simultaneous seizures in the same hut or room. That in 24 instances there were consecutive attacks in the same hut or room, and that in 19 of these the interval was eight days, and under. Moreover, out of 65 huts and rooms attacked with measles there were 43 or 66 per cent. of the whole, which yielded no more than a single case each among the children in them.

Summary of facts.

The facts in regard to both epidemics may be resumed briefly as follows :—

The severity of scarlet fever has been influenced by season.

Children of weak and scrofulous constitutions have been the chief sufferers.

The last scarlet fever attack was the fifth of which we have records, but it was epidemic in character. Like other epidemics it began by scattered cases unconnected with each other, and occurring at considerable intervals of time and distance.

The disease appeared in 185 huts, rooms, and quarters, in which there were 302 cases and 61 deaths. In 127 rooms, 68 per cent. of the whole number attacked, there was one case per room, so that 42 per cent. of the cases were single cases.

In eight huts or rooms with more cases than one in each, the first and only attacks were simultaneous, and consisted of two cases per room (16 cases in all). In one hut the only attack consisted of three simultaneous cases, and in another hut of four simultaneous cases.

Hence in 137 rooms out of 185 (74 per cent. of the total affected rooms) there were no consecutive cases.

Table 29 shows that there were 16 rooms in which the first attacks consisted of more cases than one, and that 41 cases happened in this way ; this number deducted from 175 cases (the number which took place in rooms with more cases than one) leaves 134 cases only in which the question of intervals of time between the attacks enters into the discussion as to the manner of propagation of the disease.

In very few scarlet fever attacks was the interval between cases occurring in the same room of such duration as to admit of being included in what is called the incubative stage of the disease, that is, the interval between the presumed reception of the infection and its manifestation by distinct symptoms.

The third, fourth, and fifth days are usually assigned as this period. Presuming that all cases were usually removed to hospital as soon as the disease showed itself, the number of second attacks included within the incubative days scarcely exceeded a dozen.

As regards measles, we have just seen that 66 per cent. of the quarters attacked yielded a single case each, that in nine rooms there were simultaneous attacks affording 26 cases, and that there were only 24 instances in which there were consecutive attacks at various intervals of time.

Infection.

In the course of our inquiry we endeavoured to ascertain to what extent scarlet fever might have been propagated by communication from person to person, and the following facts bearing on the subject were brought to our notice.

Inspector General Dr. Jameson, who as principal medical officer at Aldershot examined carefully all the circumstances of the earlier cases of the disease, states that although scarlet fever " is one of the very few diseases which all authorities allow to possess the " curious property of self-dissemination," " the fact of importation could not be distinctly " proved," and he mentions several instances of exceptional attacks under conditions very favourable to the propagation of the disease by infection which nevertheless did not take place.

In M. lines, South Camp, hut No. 19, occurred the second case of the disease given in the returns. The hut was occupied by 16 persons, including children, yet this was the only case in the hut. The family had been above a year in camp. The distance of this hut from the infantry barrack room, where the first case appeared, was 1,800 feet. The next two cases occurred simultaneously in the family of a barrack serjeant, eight in number, in a hut 750 feet away from the former case. This hut he had taken possession of after it had been empty nearly a year.

In No. 1 cavalry barrack room, occupied by 16 men, a private soldier was attacked. This was the only case in the room.

In No. 32 troop room there were 14 inhabitants and eight children. A child was seized and died, and no one else suffered. It was the only case in the room.

We shall next notice the experience of the female hospital.

Until March 1st, 1865, scarlet fever cases were admitted into the female hospital, which consists of several adjacent huts connected together by corridors. Part of the accommodation was allotted to puerperal cases, part to fever cases, and part to others. Each hut used for fever cases had 6,072 cubic feet of contents. Eight patients were allotted to each hut ; one bed was occupied by the nurse, and on an average there were three mothers resident with their sick children, making 12 inmates per hut with 506 cubic feet each. But the numbers constantly varied, the wards were cleared out, the cases being transferred from ward to ward for the sake of change and purification.

Neither the cubic space allowed nor the construction of the hospital were of such a nature as to be favourable to the sanitary state of the building.

We have obtained the following facts regarding the hospital through the kindness of the medical attendant, Dr. Barry.

In the first place it appears that no nurse nor mother was affected.

Dr. Barry informs us that an infant, nine months old, in the female hospital with its consumptive mother, and which had been admitted for chronic catarrh on March 18, 1865, was removed for scarlet fever to the special hospital on the 27th. A boy two years and four months old, in hospital for scrofulous disease from May 13, 1865, was transferred for scarlet fever to the special hospital on the 22nd May.

After March 1st, when the special hospital was opened, there were no scarlet fever cases, and indeed no case of fever of any kind treated in the female hospital, consequently there were none at these dates.*

A third doubtful case took place in a woman, but Dr. Barry states that the patient did not receive scarlet fever in the hospital.

Certain circumstances which took place in Dr. Barry's own family, living in the Camp, deserve notice. Up to the time when a special hospital for scarlet fever cases was established on March 1st, 1865, Dr. Barry attended all the scarlet fever cases in hospital as well as cases elsewhere for the ten months preceding the occurrence we are about to relate. He visited cases in hospital three times a day for weeks together, going backward and forward to his own house, and neither he himself nor his family nor anyone he visited were affected.

On February 11th, 1865, while scarlet fever prevailed in the camp, an outbreak of the disease occurred in his family in a child, and cases occurred among his children and servants on the 15th, 17th, 21st, 22nd, and 26th. One of the children died. A lady, who had been one of the patients affected with scarlet fever, was seized with small pox on March 12th, and on April 2nd and 8th, two of the servants were seized with scarlet fever, and next day another servant showed symptoms of continued fever. One of the children which lived with other sick children and servants was unaffected. Every one in the hut except Dr. Barry and one child suffered.

We have noticed this case in detail because it belongs to a class of cases which are supposed to prove the mediate transmission of scarlet fever. On the other hand it is right to recall the fact that out of 10 epidemic cases occurring during the two scarlet fever outbreaks in Dr. Barry's family, one case was of small pox following scarlet fever, and another case was continued fever following scarlet fever, facts which appear to indicate the operation of some more general epidemic cause, prevailing over the whole district.

Dr. Barry himself says that he can give no information as to the manner of introduction of the disease into his family; that he has no reason to suppose that he ever conveyed infection to any family he attended; that there was no crowding in the hospital at the time; and that the ventilation was excellent. But he states that his hut was too small, and that his family had outgrown its capabilities. The hut had no water-closets or suitable domestic conveniences. There was considerable overcrowding and other defects.

While scarlet fever cases were treated in the female hopital, mothers and other relatives were admitted to see the patients and to go backwards and forwards, yet in no instance was disease known to be communicated in this way.

After the special hospital for scarlet fever cases was opened, mothers were allowed to remain with and suckle children ill of the disease. This hospital was well ventilated and there was plenty of space for sick. In no case was it found that scarlet fever spread beyond the sick either to mothers or to other attendants.

In the spring of the present year it was considered desirable by the authorities to try whether it might not be possible to check the spread of the disease by removing all cases at once to this hospital, and by establishing a cordon round the hospital, so that no communication either direct or indirect should take place between sick children in hospital and those in camp. The result, however, was not satisfactory, for besides giving rise to complaints, the attacks were not diminished in number.

We find that during the three months, April, May, and June, 1865, when the seclusion of sick was rigidly kept up, there were 112 new cases admitted, of which 14 proved fatal,

---

* We may state here a fact bearing on this subject from our Report on the Scarlet Fever in Chatham Female Hospital.

In the general ward of that hospital, where the patients have above 1,400 cubic feet each, with abundant light and ventilation, all classes of cases were admitted. On May 20th, 1865, scarlet fever cases were admitted with the others, and were treated until July 7th, when they were removed out of the hospital on account of suspected communication of the disease to a puerperal patient in another ward. During this period the inmates of the general ward averaged five women and 10 children; seven out of the 10 children were scarlet fever cases; but nevertheless no woman or child treated in the ward for other diseases became affected with scarlet fever.

while during the three months, January, February, and March, when there was no cordon and when the communication was free, there were 52 cases and 13 deaths.

It was at one time considered possible that the disease might be spread by the intermingling of children in the schools, and the schools were closed, but without result. The number of attacks was not diminished by this measure. The schools themselves yielded only two cases of measles during the entire epidemic, neither of which proved fatal, but no case of scarlet fever.

Circumstances affecting the progress of the disease.

We shall next proceed to consider whether any additional light can be thrown on the history and progress of this disease by other circumstances.

Influence of season.

The first important fact is the one already mentioned, namely, that season has had some relation to the frequency of attacks. We have already stated that the occurrence of numerous cases in the early months of the year 1865, was an exception to the past history of scarlet fever in the camp. The large increase in the summer months was, however, in strict conformity with past experience.

Character of the accommodation where the disease appeared.

The next most important point is that which relates to the character of the quarters specially affected by the disease.

We have already discussed generally the character of the accommodation occupied by soldiers' families. This accommodation is scattered over the camp, and as a general rule is placed as near as possible to the barrack accommodation of the corps to which the families belong.

Part of it, as already shown, is in the lines of the North and South Camps. Part of it is in barrack rooms of various classes of permanent barracks, and part of it in permanent married quarters.

The lines of the North and South Camps are formed of groups of huts arranged in parellelograms side by side. The huts are 20 feet apart at the sides and ends. A broad space of 250 feet separates the lines along their sides, and the distance between the ends of each group is 90 feet. The two main rows of huts consist each of 12 huts, and there are two half rows behind them together with the officers' quarters, mess accommodation, &c. Each group or lines is lettered with one of the letters of the alphabet, and the huts are numbered. Each of the "lines" is intended for a battalion of 500 men with officers.

The lines of the North Camp occupy the highest level of the ground, and there is a gentle slope for drainage on both sides.

The lines of the South Camp are all on a slope, and there is a fall of 100 feet from the highest to the lowest side of this camp in the space of half a mile. In this camp the huts have been erected across the natural fall of the drainage, and the lower part of the ground which is skirted by the canal had never been thoroughly drained. As a general rule the huts in this camp which have had the largest number of cases are situated between the contour lines of 325 and 275 feet and under.

The huts are constructed of wood tarred outside, and are all the same size. They are 40 feet long and 21 feet wide, outside measurement. They have sloping roofs covered with felt; two windows on each side and ventilators at the ridge. The superficial area of the floor is 760 feet, and the cubic contents 5,818 feet. Each hut is constructed to hold 22 men, giving about 34½ square feet and 264½ cubic feet per man. A number of huts in certain lines are set apart for married quarters, while the men's huts in other lines were at the time of the epidemic wholly occupied by families. Four or five families are placed in each hut. Sometimes the families are separated from each other simply by curtains, but lately many of the married huts have been divided into four compartments by cross wooden partitions. Each compartment has its own door, window, and fireplace. Its area is 175 square feet and 1,358 cubic feet; this is the amount of space allowed for a man, his wife, and several children, with beds, tables, utensils, &c. The huts with curtains are set apart for five families.

All the huts are floored with deal laid on joists, but the floors are not sufficiently raised above the ground level, and in some instances the earth is dug out under the floor so as to leave a cavity below the level of the ground outside.

The following tables give the letters of the lines affected in both camps; the number of huts specially set apart for married soldiers (not including the usual serjeants' quarters belonging to the lines): the number of huts of all classes where scarlet fever or measles appeared, together with the number of cases and deaths from scarlet fever and measles in them. By multiplying the number of huts occupied by married people by four the approximate number of families in each of the lines can be ascertained.

North Camp. — Lines.	Number of Huts specially occupied as Married Soldiers' Quarters.	Number of Huts affected.	Scarlet Fever.		Measles.	
			Cases.	Deaths.	Cases.	Deaths.
A. - -	..	3	3	2	..	..
B. - -	..	2	3	..	..	..
C. - -	24	3	5	1	1	..
D. - -	16	3	3	1	..	..
H. - -	24	4	5	3	..	..
I. -	..	1	..	..	1	..
K. -	..	1	1	1	..	..
L. - -	..	3	4	..	..	..
M. -	..	4	6	1	..	..
O.	24	5	5	1	..	..
	..	29	35	10	2	..

This table shows that the epidemic was disseminated pretty equally over the North Camp, notwithstanding the great difference in the number of families in the different lines.

In 10 of the lines 29 huts were attacked, and they yielded 35 cases of scarlet fever and 10 deaths. Measles scarcely touched this camp.

The progress of scarlet fever and measles in the South Camp showed a somewhat different result, as will be seen from the following table :—

South Camp. — Lines.	Number of Huts specially occupied as Married Soldiers' Quarters.	Number of Huts affected.	Scarlet Fever.		Measles.	
			Cases.	Deaths.	Cases.	Deaths.
A. - -	..	2	1	..	1	..
B. - -	..	1	1	..	..	..
D. - -	..	1	..	..	2	..
E. - -	24	11	29	6	3	..
F. - -	24	2	2	..	3	..
G. - -	..	5	4	..	2	..
H. - -	..	4	3	..	5	1
I. - -	2	1	..	..	2	..
K. - -	5	2	1	..	2	..
L. - -	24	2	1	..	3	..
M. - -	24	8	6	1	6	3
N. - -	partially	4	7	2	..	..
O. - -	8	5	6	3	6	1
Q. - -	partially	2	1	..	1	..
R. - -	8	4	12	1	..	..
S. - -	..	2	2	..	5	3
W. - -	4	..	..	..	..	..
X. - -	14	3	12	3	1	..
Y. - -	partially	3	8	..	..	..
Z. - -	..	1	..	..	1	..
Totals -	..	63	96	16	43	8

It will be seen, that although these diseases appeared in nearly every one of the lines in the South Camp, scarlet fever was more intense in some lines than in others. It not only attacked a larger number of huts, but the proportion of cases per hut varied considerably. But at the same time its intensity was not in proportion to the number of huts in each "lines" occupied by soldiers' families.

In one hut in X. lines, in which there were 15 inmates, including seven children, six of the children were attacked and two died. The disease lingered about certain huts and returned to others, after having apparently disappeared. In some lines two or three contiguous huts were attacked, while in others the two or three huts consecutively affected were at considerable distances from each other, sometimes at opposite extremities of the lines. Again, the intervals of time between consecutive attacks in the same lines varied greatly, from a day or two, up to several weeks or months. In several instances the cases came so close on each other as to constitute endemic attacks. The most striking instance of this occurred in E. lines, South Camp, in which 29 cases and six deaths took place between August 25th, 1864 and January 19th, 1865; most of them before the end of October 1864. Other lines had a single case per month, or the attacks were even at longer intervals of time.

In order to ascertain how far local conditions might have modified the course of the disease in particular lines we had a special examination made into the sanitary relations of affected huts.

As already stated, those huts which chiefly suffered were at the lower end of the slope of the South Camp. The facts in regard to this point in the history of this scarlet fever epidemic are remarkable and merit special notice. We obtained the elevations of the men's huts in the South Camp, and by classifying these huts in groups, each of which is included within contour lines of known altitude, and by comparing the proportions of affected huts, of cases, and of deaths of each group we obtain the following results :—

Contour Lines.	Number of Men's Huts.	Huts attacked.		Cases.		Deaths.	
		Number.	Per Cent. of Total Huts.	Number.	Per Cent. to Total Huts.	Number.	Per Cent. to Total Huts.
Above 325 feet	106	7	6·6	7	6·6	..	0·36
325 to 300 feet	167	12	7·2	16	9·0	1	
Below 300 feet	300	30	10·0	72	24·0	15	5·00

This table shows that of 573 men's huts in the South Camp, 49 were attacked with scarlet fever and yielded 95 cases and 16 deaths.

Of 106 men's huts situated at elevations above the contour line of 325 feet, 7 or 6·6 per cent. were attacked, and yielded seven cases of scarlet fever, being in the ratio of 6·6 per cent. of the total huts above the line.

In the space between the contours of 325 and 300 feet there are 167 huts, of which 12 or 7·2 per cent. were attacked, and yielded 16 cases or 9 per cent. of the total huts, but there was only one fatal case.

Below the contour line of 300 feet there are 300 men's huts, of which 30 were attacked, or 10 per cent. of the total number. Under this contour there were 72 cases (equal to 24 per cent. of the total huts) and 15 deaths. All the fatal cases except one took place below the 300 feet contour. The proportion of fatal cases to huts below this contour when compared with the fatal cases to huts above the line were as 14 to 1, and of attacks as three to one.

Although these results would be to a certain extent modified by the number of children in each lines, we felt assured that there must be some local reason for this great disparity in proportions, and suspecting some fault in the subsoil from the gravitation of water from the higher levels and want of drainage, we requested an examination of the ground to be made in the lines most severely affected. Trial holes were dug in the following lines of South Camp, O. N. S. R. and X., and the officer of Royal Engineers who superintended the examination reported that holes two feet and a half deep showed a very damp substratum of clay under the superficial porous strata, retaining water and moisture under the huts close to the surface.

The subsoil of this part of the camp had not been drained. One of the trial holes was sunk in the ground close to the hut where the six cases had occurred.

E. lines, South Camp, where, as already stated, there were 11 huts affected, 10 of which yielded 29 cases and six deaths from scarlet fever, are all below the 300 feet contour. We have been informed that the ground close to E. lines was formerly swampy, and the lines now occupy a low, damp, and unfavourable position. This indeed was very much the case with the lines yielding the largest number of attacks. Dampness of subsoil and want of drainage existed along all the lower levels, and the evil has no doubt been increased by the canal which bounds the lower level of the South Camp throughout its whole extent, cutting across the natural outfall for the drainage. The ground under the lines of the higher levels, where there were few cases of the disease, is self-draining.

We had the floors of several affected huts taken up for the purpose of examining the subsoil. The timbers were sound, but as they were laid on the earth without ventilation beneath them, there was no means of getting rid of the damp air. In one hut (near the new hospital) in which several fatal cases had occurred, the ground beneath was very damp and hollowed out below the level of the ground outside. In the others we examined, the surface of the soil was apparently dry, but again the trial holes made outside showed a wet or damp subsoil close beneath the mere surface.

Subsequent examinations made by the Commanding Royal Engineer and reported on June 5th, 1865, showed that the ground beneath the huts in cases where the boarding had been taken up, presented similar appearances to those in the examples we personally examined.

We are inclined to attribute much of the higher intensity of the disease in certain huts and lines to this condition of the subsoil.

We cannot overlook the fact also that Aldershot is like any other camp in its sanitary relations. All camps are liable to deteriorate in their healthiness by lapse of time and constant use. The usual remedy for this is of course shifting ground, a measure impracticable with hut camps.

The huts are all old and decaying, and the cubic space and means of ventilation were very deficient at the time we inspected them.

Wooden huts if well ventilated and otherwise in a good sanitary condition may be safely occupied if the present regulation space of 400 cubic feet per occupant be given. But, as already stated, the amount of space per man falls far short of this allowance. The crowding both in the huts of single men and in married huts was excessive. In some of the divided huts the space per adult and child was scarcely 200 cubic feet.

The huts were originally constructed with overlapping boards, which afford a ready means of renewing the air when combined with ridge ventilation. Ridge ventilators are provided throughout, but in many cases they had been to a great extent closed up. The hut walls have besides been rendered impervious to air by tarring them, and the huts we examined, where scarlet fever had appeared, were most carefully lined inside with paper purposely to exclude the outer air.

Besides the damp state of the subsoil, there were these additional elements of overcrowding and deficient supply of fresh air in operation. The long use of the huts has also led to saturation of the woodwork with organized matter proceeding from the breath and bodies of the inmates.*

We examined several rooms in the permanent barracks, and also several of the permanent married quarters where cases of scarlet fever had occurred. The conditions presented by this class of accommodation differed of course materially from those existing in camp huts.

The permanent barracks are built in a hollow, with higher ground sloping towards them round a considerable part of their circumference. The facilities for free external movement of the air are hence not so great as could be desired for buildings containing a large population with a comparatively small amount of space.

On looking over the camp and permanent barracks from the highest ground it was not difficult to decide where epidemic disease was likely to exist, from the levels alone.

The barracks of each arm have blocks or ranges of married quarters attached to them. They are two floors in height, and are divided into separate houses having passages and staircases common to eight quarters.

The extent of this class of accommodation is too limited. The families have only one small room each.

The rooms are 11 feet long by 10 feet broad, affording only 110 square feet for a whole family. They vary in height from 10 feet to 11 feet. The cubic contents may be taken at from 1,100 to 1,200 feet. When so limited an area comes to be occupied by a man, his wife, and several children, with beds and other articles of furniture, the space falls far short of that required for health. The rooms we inspected where the disease had been were moreover built back to back, that is, there were two rooms in the depth of the house separated by a dead wall.

The rooms have some means of ventilation, but the space is so small that, including articles of furniture, the crowding of these rooms, especially at night when the family is in bed, must be excessive. In one instance which we saw, the bed with the furniture and the inmates *standing* nearly covered the whole area of the floor.

In such cases mere proximity is injurious to health, and anything like sufficient ventilation is scarcely possible.

Half the rooms are besides on the ground floor, and in this respect they differ little from camp huts, while their local position with respect to neighbouring higher ground is not more favourable.

Barrack rooms occupied as married quarters vary in dimensions. The infantry barrack rooms are 50 feet 9 inches long, 22 feet wide, and 12 feet high. The windows are at opposite ends. The cavalry barrack rooms are 39 feet 8 inches long, 30 feet wide, and 10 feet 6 inches high. Those of the Royal Artillery are 44 feet by 28 feet and 10 feet 6 inches high.

Large barrack rooms of this class occupied by several families including many children are amongst the most unfavourable of all married quarters, so far as concerns health. Many cases of scarlet fever occurred in these rooms. The rooms where the disease was most severe are long and narrow, and have windows or doors only at the opposite ends. The ventilation in all the rooms we examined was insufficient, besides which the mere breathing of a common atmosphere at night in rooms of this description by a large number of persons, especially by young children, who are most susceptible subjects, would of itself be unsafe during an epidemic season. One of the barrack rooms in which the children suffered most severely had one of its windows close to the latrines of the whole barrack block.

In endeavouring to estimate the influence of these unfavourable local conditions on

* Table 30 shows the general arrangement, cubic contents, and superficial area of hut quarters.

the intensity of disease, we attempted to trace the course of scarlet fever in different blocks of buildings, as well as in lines and groups of huts, but similar difficulties have been found in doing so in both classes of accommodation.

Some of the facts, however, which we have obtained are worthy of record.

We have already alluded to the circumstance that the centre block, permanent infantry barracks, was one of the special seats of scarlet fever; but this, no doubt, partly arose from the number of families which were accommodated in this double block of building.

No fewer than 16 rooms in this central barrack were affected, and there occurred in them 30 cases and seven deaths from scarlet fever, besides cases of measles.

Thirteen of the affected rooms had only one case in each, and there were three deaths among these 13 cases.

In one room there were two cases and no death.

In one room there were three cases and one death.

In one room, No. 31, there were altogether 12 cases and three deaths.

The most severely attacked room, No. 31, was the room first attacked in the block. The earliest case in it occurred on November 23rd, 1864. The second case, which proved fatal, took place on December 12th, after an interval of 19 days. The next case was on the 28th December, interval 16 days. Two days afterwards, on the 30th, there was another case. There were three cases and one death on January 1st, 1865; there were three cases on the 11th, one on the 18th, and a fatal case on the 30th January, with which the attacks in room 31 ended. From November 23rd, 1864, to January 30th, 1865, room 31 was the main seat of the disease in the centre barrack; but there were cases in two other rooms within the period. On December 30th, 1864, three cases, one of which was fatal, occurred in No. 30 room, and there was one case in room No. 39, on January 26th, 1865.

During 92 days, from February 1st to June 2nd, 1865, when the last case in this block took place, there were 14 cases and two deaths scattered over the block, one case per room, except one room, which yielded two cases and no death. The other rooms had each a case at irregular intervals of time, and there was one death in them.

Scarlet fever existed in this centre barrack for nine months.

During part of the time measles co-existed with scarlet fever in the same buildings.

As additional illustrations of the course of the disease in particular barrack rooms occupied as married quarters, we may instance No. 6 troop room, South cavalry barracks, which yielded two cases. The first case in this room took place on April 13th, 1864, the other case on March 29th, 1865. No. 6 troop room, West cavalry barracks, yielded four cases and one death. The first case took place on August 18th, 1864. The second case was on the 6th September. There was a fatal case on the 18th September. The fourth and last case followed on November 29th.

As permanent married quarters are more regularly occupied by families than are barrack rooms used as married quarters, they afford, perhaps, better opportunities of ascertaining the course which scarlet fever takes in blocks of buildings where there are children.

Scarlet fever cases occurred in the married quarters of the Royal Artillery, cavalry, and infantry. In the Royal Artillery block there were 10 cases and two deaths in seven rooms; one room furnishing two cases and one death, both on the same day. Four other rooms furnished one case each. Three rooms had thus each two attacks of the disease. The dates of attacks were 28th July, 19th August, 14th and 21st November 1864; 21st, 23rd, and 24th January, and 21st February 1865.

There were 10 rooms attacked in the cavalry married quarters, yielding 14 cases and four deaths. Six rooms furnished a case each and one death. Four rooms furnished two cases each and three deaths; one room had two fatal cases. The dates of attack were 12th, 15th, 18th, and 24th May, June 25th, 14th and 27th October, 2nd and 27th December 1864; 20th and 28th February, 2nd March, and 7th April 1865.

The course followed by scarlet fever in permanent buildings appears to have been very similar to the manner of succession of cases in huts; children were seized at very irregular intervals of time and distance. The attacks appear to have followed no general law, except that, the disease being in the district of country, it may be supposed to have taken the most susceptible subjects during the time being. One thing however, is certain, viz., that wherever it appeared defective sanitary conditions co-existed with it and favoured its attacks.

In addition to the more general defects in and around these various classes of married accommodation which we have already mentioned, the general sanitary state of huts and rooms themselves was far from being satisfactory in the instances we examined. Generally there was a want of lime washing and purification. The clothes washing of the family appeared to be done in the living and sleeping room, for in several instances we found vessels full of water and wet clothes in the one small apartment occupied by the family.

The comparative sanitary state of different groups of quarters affected with scarlet fever may be summed up in a few words.

1. Camp huts have the great advantage of subdividing the population with free air spaces between the groups; they also admit of free ventilation; but as at present allotted there are too many families in a hut. In this manner the subdivision is imperfect on account of a certain community of foul air throughout the huts by chinks in the partitions. There has also been at Aldershot great overcrowding of huts, defective ventilation, want of drainage, and damp subsoil,

2. Permanent married quarters afford a much better class of accommodation. But in this case also the form of construction in houses with back-to-back rooms, passages and stairs in common to eight rooms occupied by eight separate families, together with the small size of the rooms and their overcrowded state, have all acted more or less as countervailing disadvantages.

3. Married accommodation provided by placing a number of families in one large barrack room is the most disadvantageous of any for health.

These rooms are deficient in the great element, so important during epidemics, of subdivision of families, so that a number of adults and children are compelled to breathe a common stagnant atmosphere. The ventilation is deficient, and the whole construction unadapted for family occupation.

4. Open camps, at least during suitable weather, can be made perfectly healthy for a time. Cubic space is necessarily limited in tents, but on the other hand there is subdivision to any necessary extent, and abundant means of ventilation.

The general course of the epidemic has indicated that the nature of the accommodation we have described and its relations to health have exercised a most important influence on the intensity of the disease.

This conclusion is further supported by the fact that the children in camp have yielded a very high death rate from all causes. The following abstract of a table prepared by Inspector-General Dr. Jameson, is sufficient to establish this point.*

Total Annual Deaths per 1,000 among Children in Camp.	
Year.	Year.
1859 — 31·41	1862 — 35·76
1860 — 26·94	1863 — 27·20
1861 — 49·53	1864 — 43·70

A comparison of these very high death rates with the general death rate of 23·9 per 1,000 among children under 15 years of age which ruled in Farnborough and Farnham districts (including the deaths in camp) during the years 1851—1861, is sufficient evidence of the low condition of health in which the soldiers' children have hitherto been. Epidemic scarlet fever simply took possession of a soil already prepared for it.

Summary of evidence.

The evidence in regard to the history of this epidemic which we have been able to obtain may be summed up under the following heads:—

1st. That the late epidemic of scarlet fever is not the first visitation of the kind at Aldershot, but that on the contrary this disease has been in the camp since its earliest formation, although in a much milder form.

2nd. That the attacks have been increasing in severity year by year.

3rd. That the disease has existed, though in a milder degree, among the surrounding indigenous population concurrently with its appearance in camp, and that the late epidemic condition of the disease extended to the population of the surrounding districts.

4th. That the camp is situated in one of the healthiest districts of England, that nevertheless the general mortality among children as well as the mortality from epidemic diseases have been much greater than in the adjoining country.

5th. That in times past scarlet fever has shown a tendency to prevail most severely in the latter eight months of the year.

6th. The late epidemic commenced with unconnected scattered cases occurring at considerable intervals of time, and at considerable distances from each other. There is no evidence of the disease having been imported. Simultaneous attacks took place at different and distant points of the camp, and even of the same building. The disease showed no tendency to spread from any centre or hut. It followed the law of increase and decrease observed in other epidemics. And, as occurs in other epidemics, the intensity of the disease was manifestly influenced by local and personal conditions such as the following:—

7th. The medical evidence brought before us goes to show that the subjects of

* *Vide* Table 31, which also gives the death rates among troops and women. The Table shows that the death rate among men and women, as well as amongst children, is progressively increasing.

scarlet fever have been more especially children of weak scrofulous constitutions; hence that bad health has been an efficient predisposing cause. The cases have been adynamic in character.

8th. All the married quarters, temporary and permanent, are deficient in requirements for health.

The huts in camp chiefly affected have been in comparatively low damp positions with the subsoil undrained.

The cubic space and superficial area in all cases have been deficient, as also the ventilation.

The hut quarters especially have not been in a sufficiently good state as regards cleansing and lime whiting. Domestic operations have been carried on in them, washing clothes, &c., which (considering the small space available) has added to the moisture and impurity of the air. Of no quarter which we examined could it be said that it was sufficiently healthy for children.

There was no circulation of air under the hut floors, the joists being laid on the earth; in some cases the earth has been dug out below the level of the ground outside.

The huts are old and the woodwork has become less and less wholesome from absorbing organized matter proceeding from the bodies and breath of the inmates.

9th. Some of the most severely affected rooms have been ordinary permanent barrack rooms set apart for married accommodation, and the result in this case has apparently arisen from bringing several families with young children together into the same defectively ventilated room where they all had to breathe a common atmosphere (absence, in fact, of proper subdivision of families).

10th. In the permanent married quarters, although affording a superior class of accommodation, there is not sufficient isolation of families; the rooms are too small; they are built back-to-back with passages and stairs common to eight families; the means of ventilation are deficient.

Although none of these circumstances can be said to have given rise to scarlet fever, the history of which, indeed, shows it to have been simply an epidemic, yet all of them are well-known causes of deterioration of health and stamina in children, and also of the existence of scrofula and glandular diseases.

As weakened, scrofulous constitutions were those specially attacked by scarlet fever, we are warranted in concluding that the sanitary defects we have enumerated have acted as predisposing causes of scarlet fever.

Practical suggestions.

We have now arrived at the most important point for consideration, viz., by what means scarlet fever, which has lately assumed an epidemic character at Aldershot, may be arrested or eradicated in future.

No doubt the readiest way to effect this improvement would be to keep children away from the camp, were it practicable to do so. Except for cases and deaths among children at Aldershot, scarlet fever would hardly be worthy of notice so far as the efficiency of the regiments was concerned.*

If children are to continue there as usual, we think it very likely that scarlet fever will return year by year, assuming at times the character of an epidemic, and we are of opinion that there is no way of diminishing the risk of this occurrence except by adopting active measures for improving the general health and stamina of the children.

The first step in this direction is obviously to improve the sanitary condition of quarters, but it is at this point that the difficulty begins, for there is little or no foundation on which to rest improvement.

Camp huts, although well adapted for temporary use with due regard to cubic space and ventilation, cease to be so when the wood is old and when it has become fouled with exhalations from the breath and bodies of the inmates. The evils are greatly increased when the sides and roof are rendered impervious to air, and when there is no ventilation below the floors. With impervious walls the regulation space of 400 cubic feet per man is no longer sufficient, as huts with impervious walls approach in their relations to permanent barracks, in which the cubic space should be 600 feet per man.

As originally constructed the huts had space for 15 men at the present regulation allowance of 400 cubic feet per man.

In actual practice, however, each hut is expected to hold 22 men at 264½ cubic feet per man, or one third more than there is regulation space for. We need scarcely state that barrack huts crowded to this extent cannot keep the troops in robust health.

---

* *Vide* Table 32, which shows that in the six years 1859—1864 in an average strength of 13,346 men, there were 78 admissions from scarlet fever, of which two proved fatal.

We have already shown that when the huts are divided for families, the space for an entire family with its household effects is only 1,358 cubic feet.

In the permanent married quarters the space for an entire family, as has been shown, is no more than 110 square feet, and from 1,000 to 1,100 cubic feet.

It is evident, therefore, that the first measure required is to give more cubic space and area for families.

The best way apparently of doing so would be to construct huts specially adapted for married people. This course of proceeding would have the advantage of substituting healthy for unhealthy construction, and of throwing at liberty a large number of huts at present occupied by married people, which are very much required for the purpose of increasing the amount of space for men.

If this proposal were adopted it would be easy to plan married huts with every requisite for health.

So long as the existing huts are used for married quarters we fear that whatever is done with them the two evils of overcrowding and difficulty of ventilation will keep them unhealthy.

If the existing huts are retained, it would be better to allot, and divide, a hut for no more than two families were there are several children in each family, or for three families where there are few children.

The huts as at present divided into four compartments would answer for four families without children.

The proportionate number of members in families is a very important element in this question, in which economy is so vital a consideration. Perhaps the best way to ensure the two results of health and economy would be to construct huts of different dimensions, and to apportion the amount of accommodation given to the number of children. With limited cubic space at command, the fewer families placed under one roof the better. A separate small hut for each family would enable a smaller extent of space to answer for health than would be possible by placing a number of families under one roof.

Subdivision is one of the main elements in the question, as regards diminishing the liability to epidemic attacks.

We have shown that scarlet fever prevailed to a considerable extent among families quartered in ordinary barrack-rooms. Agglomeration of families was in this case also a potent cause of disease. We must repeat that barrack-rooms are not fit for married quarters, and less so during epidemics than at other times.

They should cease to be used as married quarters with as little delay as possible.

As regards permanent married quarters, the experience of the late epidemic shows that in these quarters, placing eight families under one roof with limited space and area, back-to-back rooms, and community of ventilation throughout all the rooms of each house have tended to predispose to the disease. We have seen that in a number of instances more than one member of a family was attacked by scarlet fever in them. But it is also certain that the proportionate number of attacks and deaths in these permanent married quarters with all their disadvantages was very greatly less than in any other accommodation, except open camps, showing that the provision of these quarters has been a most important step in the right direction, although the construction of the buildings themselves admits of further improvement.

We have endeavoured to obtain some statistical information to enable us to estimate more correctly the probable effects of the form of construction of the Aldershot married quarters, by comparing the course of the disease in them with what occurred in married quarters of a different construction at Woolwich and Chatham. At these two stations the married quarters are constructed on a different principle. There are no inside passages and staircases, and although the cubic space is small all the rooms are entered direct from the open air each by its own door, and each room has two windows and a door in the opposite walls, so that there is a through draft across the rooms.

The data which we have received are too meagre to enable us to arrive at correct conclusions as to the relative healthiness of these quarters when compared with those at Aldershot. We only know that there were very few cases of scarlet fever in the extensive married quarters of these two garrisons during the first six months of the year 1865.*

* The following is the nearest approximation we have been able to arrive at on this important subject for the first six months of 1865.

The average number of children in 48 new married quarters at Brompton is two per room=96. The average is the same at Chatham, and there are 72 rooms, giving 144 children. But the Chatham quarters were only occupied for April, May, and June of the period. For the sake of the six months' comparison it is necessary to take half the number, or 72. At Woolwich there were 306 children in the new married quarters. The total number of children was thus 474. Among these, during the epidemic season, there were 11 admissions from scarlet fever, and one death. The admissions were thus, 2·3 per cent. of the strength, and the deaths 0·2 per cent., which may be compared with the statistics at Aldershot. It is important to remark that although these quarters are constructed on sound principles, every one complains of the overcrowded state of the rooms from deficient space and area.

We have mentioned the circumstance chiefly with the view of pointing out the necessity of keeping accurate records of the number of women and children in married quarters of all classes, and also of epidemic cases coming from each room.

There is a very obvious sanitary advantage to be derived from constructing rooms for families in the way which has been adopted at Woolwich and Chatham. However limited the space may be, each family has really a separate house with its own door and windows, and through and through ventilation.

It would be most advisable to adopt a similar model elsewhere, and to increase the extent of new married quarters at all stations in such a manner as to enable the room space to be apportioned with reference to the numbers of children in families.

Although, as we have shown, the nature of the accommodation has exerted a powerful influence on the course of scarlet fever, it is important to bear in mind that the general sanitary state of the quarters, such as they are, admits of material improvement.

The ground along the lower levels of the South Camp should be thoroughly drained to dry the subsoil.

The space under all the hut floors requires ventilation between each pair of joists from end to end.

The huts occupied as married quarters should all be specially ventilated. The best ventilation we found was in huts with the new ventilating fireplace. But some form of roof ventilation is also required, which will renew the air without causing drafts.

The paper lining of all the huts should be removed and all the woodwork thoroughly scoured and cleansed. Washing with slaked quicklime, or with some cleansing substance containing quicklime, should be adopted several times a year.

Frequent sanitary inspections of married quarters to see that they are kept clean and orderly should also be carried out. All married quarters require separate bath and lavatory accommodation for women and children, besides means for washing and getting up linen away from the quarters.

Measures should at the same time be enforced as far as practicable for improving the general health of the children by attention to cleanliness of person and dress and to proper nourishment. This is a branch of camp hygiène requiring special care, that is, provided children are to be permitted to live in camp at all.

The question of epidemic susceptibility must be looked at and dealt with in all its bearings, but we are of opinion that little will be gained in improving the general health of families until children are removed altogether out of men's barrack rooms, and till families are provided with dwellings and other domestic arrangements in conformity with the obvious requirements of health.

When scarlet fever or any other epidemic disease actually prevails among the children, immediate removal of the sick from among those unattacked; spreading the families over a large superficial area; camping out when the season admits of it, and rigid attention to cleansing and ventilation, as have been carried out at Aldershot during the late epidemic, are the best remedial measures which can be adopted for arresting the spread of the disease, but they are not a substitute for healthy dwellings.

J. HOPE GRANT, Quartermaster-General and President.
DOUGLAS GALTON, Assistant Under Secretary of State for War.
JOHN SUTHERLAND.
T. G. LOGAN, Inspector-General of Hospitals.
EDWARD BELFIELD, Deputy Director of Works, War Office.
PROBY T. CAUTLEY, Member of the Council of India.
J. RANALD MARTIN, Inspector-General of Hospitals.
ROBERT RAWLINSON, Local Government Act Office.

J. J. FREDERICK, Secretary,
Army Sanitary Committee,
War Office, April 20th, 1866.

APPENDIX.

TABLES REFERRED TO IN THE REPORT ON SCARLET FEVER AT ALDERSHOT.

TABLE 1.—Showing the Number of Admissions and Deaths from Scarlatina among the Children *treated in the Hospital* for Soldiers' Wives at Aldershot from 1st January 1859 to 31st December 1864. (Furnished by Inspector-General of Hospitals, T. Ross Jameson, M.D.)

Aldershot, 23rd April 1865.

Year.	Number of Children.	Number of Admissions from Scarlatina.	Number of Deaths from Scarlatina.
1859	1,509	6	2
1860	1,670	11	1
1861	1,494	29	3
1862	1,314	46	8
1863	1,507	20	2
1864	1,762	182	28
*Total	9,256	294	44

* These numbers are compiled from the returns of the Female Hospital; but in 1864 the deaths among soldiers' children from scarlet fever amounted to 35, besides a fatal case in a man.

TABLE 2.—Showing the Dates of Cases; also the Deaths from Scarlet Fever in the Camp at Aldershot from October 1863 to June 30th, 1865.

Date of Attack.	Cases.			Deaths.		
	Men.	Women.	Children.	Men.	Women.	Children.
1863.						
Oct. 23	..	..	1	..	..	..
Nov. 27	..	..	1	..	..	..
Dec. 3	..	..	2	..	..	..
1864.						
Feb. 15	1	..	..	..	..	..
Mar. 19	..	..	1	..	..	..
Apr. 13	..	..	1	..	..	..
May 2	..	..	1	..	..	..
„ 4	..	..	3	..	..	..
„ 6	..	..	1	..	..	..
„ 12	..	..	1	..	..	1
„ 15	..	..	2	..	..	..
„ 18	..	..	1	..	..	..
„ 20	..	..	3	..	..	1
„ 21	..	..	2	..	..	..
„ 24	..	..	3	..	..	..
	..	..	17	..	..	2
June 18	..	..	2	..	..	..
„ 21	..	..	2	..	..	1
„ 22	..	..	1	..	..	..
„ 23	..	..	1	..	..	1
„ 24	..	..	1	..	..	..
„ 25	..	..	1	..	..	..
„ 30	..	..	2	..	..	..
	..	..	10	..	..	2

Date of Attack.	Cases.			Deaths.		
	Men.	Women.	Children.	Men.	Women.	Children.
1864.						
July 1	..	..	2	..	..	2
„ 3	..	..	2	..	..	..
„ 5	..	..	1	..	..	..
„ 7	..	..	4	..	..	1
„ 8	..	..	1	..	..	..
„ 11	..	..	2	..	..	..
„ 12	..	..	1	..	..	1
„ 14	..	..	1	..	..	..
„ 17	..	..	1	..	..	..
„ 21	..	..	1	..	..	..
„ 23	..	..	1	..	..	1
„ 28	..	..	1	..	..	1
„ 29	..	..	3	..	..	..
	..	..	21	..	..	6
Aug. 7	..	..	2	..	..	..
„ 9	..	..	3	..	..	1
„ 11	..	..	2	..	..	2
„ 13	..	..	1	..	..	..
„ 14	..	..	1	..	..	..
„ 15	..	..	2	..	..	1
„ 18	1	1	..	..	..	..
„ 19	..	..	1	..	..	..
„ 21	..	..	2	..	..	2
„ 24	..	..	3	..	..	1
„ 25	1	..	3	..	..	1
„ 27	..	..	2	..	..	..
„ 28	1	1	3	..	..	..
„ 29	..	..	1	..	..	..
„ 30	1	..	3	..	..	1
	4	2	29	..	..	9

TABLE 2—*continued.*

Date of Attack.	Cases.			Deaths.		
	Men.	Women.	Children.	Men.	Women.	Children.
1864.						
Sept. 1	..	..	1	..	..	..
„ 2	..	..	2	..	..	1
„ 4	1	..	3	..	..	3
„ 5	..	..	4	..	..	..
„ 6	..	1	2	..	..	..
„ 7	..	..	2	..	..	..
„ 10	..	..	1	..	..	..
„ 13	..	..	1	..	..	..
„ 14	1	..	1	..	..	..
„ 18	..	..	1	..	..	1
„ 21	..	..	1	..	..	..
	2	1	19	..	..	5
Oct. 1	..	..	3	..	..	1
„ 4	..	..	1	..	..	1
„ 5	..	..	1	..	..	..
„ 9	..	..	1	..	..	..
„ 12	..	..	1	..	..	..
„ 13	..	..	3	..	..	..
„ 14	..	..	1	..	..	..
„ 15	..	..	1	..	..	1
„ 17	..	..	1	..	..	1
„ 20	..	..	1	..	..	1
„ 21	1	..	1	..	..	..
„ 26	1	..	..	1	..	..
„ 27	..	..	1	..	..	..
„ 31	..	..	1	..	..	..
	..	..	4	..	..	1
	2	..	21	1	..	6
Nov. 10	..	..	1	..	..	..
„ 13	..	..	2	..	..	1
„ 14	..	..	1	..	..	..
„ 18	1	..	..	..	..	..
„ 20	..	..	1	..	..	..
„ 21	..	..	1	..	..	..
„ 23	..	..	3	..	..	1
„ 27	1	..	..	..	..	..
„ 29	1	..	1	..	..	..
	3	..	10	..	..	2
Dec. 1	..	..	1	..	..	..
„ 2	..	..	1	..	..	..
„ 3	..	..	1	..	..	..
„ 4	..	..	1	..	..	..
„ 5	..	..	1	..	..	..
„ 7	..	..	2	..	..	..
„ 12	..	..	5	..	..	1
„ 13	..	..	1	..	..	..
„ 27	..	..	1	..	..	..
„ 28	..	..	1	..	..	..
„ 29	..	1	..	..	..	..
„ 30	..	..	4	..	..	1
„ 31	..	..	1	..	..	1
	..	1	20	..	..	3
1865.						
Jan. 1	..	..	3	..	..	1
„ 5	..	..	1	..	..	..
„ 7	1	..	..	..	..	..
„ 11	..	..	3	..	..	..
„ 13	..	..	1	..	..	1
„ 18	..	..	1	..	..	..
„ 19	..	..	2	..	..	..
„ 21	..	..	2	..	..	..
„ 22	1	..	..	..	..	..

Date of Attack.	Cases.			Deaths.		
	Men.	Women.	Children.	Men.	Women.	Children.
1865.						
Jan. 23	..	..	1	..	..	..
„ 24	..	..	2	..	..	1
„ 25	..	..	1	..	..	..
„ 26	1	..	1	1	..	..
„ 30	..	..	1	..	..	1
	3	..	19	1	..	4
Feb. 1	..	1	..	..	..	..
„ 2	..	..	1	..	..	1
„ 6	1	..	..	..	..	..
„ 13	..	..	1	..	..	1
„ 19	..	..	2	..	..	1
„ 20	..	..	3	..	..	1
„ 21	1	..	1	..	..	..
„ 22	..	..	1	..	..	1
„ 28	..	..	3	..	..	..
	..	..	1	..	..	1
	2	1	13	..	..	6
Mar. 1	..	..	1	..	..	..
„ 2	..	..	2	..	..	..
„ 3	..	1	1	..	..	..
„ 6	..	..	1	..	..	..
„ 8	..	..	1	..	..	1
„ 9	..	1	..	..	..	..
„ 10	..	1	..	..	..	..
„ 13	..	..	1	..	..	..
„ 19	..	..	..	..	..	..
„ 26	..	..	1	..	..	..
„ 28	..	..	1	..	..	1
„ 29	..	..	2	..	..	..
	..	3	11	..	..	2
Apr. 1	..	1	..	..	..	..
„ 2	..	..	2	..	..	..
„ 7	..	1	2	..	..	2
„ 9	..	..	1	..	..	..
„ 14	..	..	2	..	..	1
„ 15	..	..	4	..	..	2
„ 17	..	1	..	..	..	..
„ 19	..	..	2	..	..	..
„ 21	..	..	2	..	..	..
„ 22	..	..	3	..	..	..
„ 23	..	..	1	..	..	1
„ 25	..	..	1	..	..	1
„ 26	..	..	1	..	..	1
„ 27	..	..	2	..	..	..
„ 28	..	..	2	..	..	..
„ 29	..	1	1	..	..	..
„ 30	..	..	2	..	..	..
	..	4	28	..	..	8
May 1	..	..	1	..	..	..
„ 3	..	..	3	..	..	..
„ 4	..	..	4	..	..	1
„ 5	..	..	1	..	..	..
„ 6	..	1	3	..	..	..
„ 7	..	..	2	..	..	..
„ 8	..	..	2	..	..	2
„ 9	..	..	1	..	..	..
„ 10	..	..	1	..	..	..
„ 12	..	..	2	..	..	..
„ 13	..	..	3	..	..	1
„ 14	..	..	2	..	..	..
„ 15	..	..	1	..	..	..
„ 16	..	..	2	..	..	1

TABLE 2—*continued.*

Date of Attack.	Cases.			Deaths.		
	Men.	Women.	Children.	Men.	Women.	Children.
1865.						
May 17	..	..	1	..	..	..
„ 18	..	..	2	..	..	..
„ 19	..	..	8	..	..	..
„ 20	..	..	1	..	..	..
„ 21	..	..	4	..	..	..
„ 23	..	..	1	..	..	..
„ 24	..	..	4	..	..	..
„ 25	..	..	2	..	..	..
„ 26	..	..	2	..	..	..
„ 28	..	..	1	..	..	..
„ 29	..	..	2	..	..	..
„ 30	1	..	..	..	..	..
„ 31	..	..	1	..	..	..
	1	1	57	..	..	5
June 1	..	..	1	..	..	..
„ 2	..	1	1	..	..	1
„ 5	..	..	2	..	..	..
„ 7	..	..	1	..	..	..
„ 8	..	..	2	..	..	..
„ 9	..	..	1	..	..	..
„ 14	..	1	2	..	..	..
„ 15	..	..	1	..	..	..
„ 16	..	..	1	..	..	..
„ 19	..	..	3	..	..	..
„ 22	..	..	1	..	..	..
„ 23	..	..	2	..	..	..
„ 27	..	..	1	..	..	..
	..	2	19	..	..	1

ABSTRACT of the preceding Table.

Periods.	Cases.			Deaths.		
	Men.	Women.	Children.	Men.	Women.	Children.
1863.						
October	..	..	1	..	..	..
November	..	..	1	..	..	..
December	..	..	2	..	..	..
1864.						
February	1	..	..	..	..	..
March	..	..	1	..	..	..
April	..	..	1	..	..	..
May	..	..	17	..	..	2
June	..	..	10	..	..	2
July	..	..	21	..	..	6
August	4	2	29	..	..	9
September	2	1	19	..	..	5
October	2	..	21	1	..	6
November	3	..	10	..	..	2
December	..	1	20	..	..	3
1865.						
January	3	..	19	1	..	4
February	2	1	13	..	..	6
March	..	3	11	..	..	2
April	..	4	28	..	..	8
May	1	1	57	..	..	5
June	..	2	19	..	..	1
Totals	18	15	300	2	..	61

GRAND TOTALS.

Cases - - -	333
Deaths - - -	63

TABLE 3.—Showing the Monthly Admissions and Deaths among the Children in the Female Hospital, and the Annual Return of Admissions and Deaths among the Troops from Scarlatina from 1st January 1860 to the 31st December 1864. (Furnished by Inspector-General of Hospitals, T. Ross Jameson, M.D.)

Aldershot, 4th April 1865.

Month.	CHILDREN.													
	1860.		1861.		1862.		1863.		1864.		Total.		Periods of 4 Months.	
	Admitted.	Died.	Admitted.	Died.	Admitted.	Died.	Admitted.	Died.	Admitted.	Died.	Admitted.	Died.	Admitted.	Died.
January - -	..	..	6	..	..	..	2	1	..	..	8	1		
February - -	..	..	..	..	..	..	..	..	..	..	..	..	11	1
March - -	..	..	1	..	..	..	..	..	..	..	1	..		
April - -	..	..	..	..	..	..	2	..	..	..	2	..		
May - -	..	..	4	1	1	..	..	..	11	..	16	1		
June - -	1	..	1	..	5	2	8	1	12	1	27	4	122	18
July - -	..	..	4	..	9	..	4	..	21	3	38	3		
August - -	..	..	..	..	5	2	..	..	36	8	41	10		
September -	3	..	7	1	7	2	..	..	36	8	53	11		
October - -	..	..	2	..	10	..	1	..	21	2	34	2	155	23
November -	4	..	4	1	2	..	1	..	21	3	32	4		
December -	3	1	..	..	7	2	2	..	24	3	36	6		
Total - -	11	1	29	3	46	8	20	2	182	28	288	42	288	42

TABLE 3—*continued.*

RETURN OF MEN.

1860.		1861.		1862.		1863.		1864.		Total.	
Admitted.	Died.	Admitted.	Died.	Admitted.	Died.	Admitted.	Died.	Admitted.	Died.	Admitted.	Died.
26	..	9	1	2	..	1	..	32	1	70	2

TABLE 4.—Of the Dates, Cases, and Deaths from Measles in the Camp at Aldershot from February to June 1865.

Date of Attacks.	Cases.			Deaths.		
	Men.	Women.	Children.	Men.	Women.	Children.
1865.						
Feb. 2	..	..	1	..	..	..
„ 13	..	..	1	..	..	..
„ 16	..	..	1	..	..	..
„ 17	..	..	3	..	..	1
„ 18	..	..	1	..	..	1
„ 19	..	..	2	..	..	2
„ 27	..	..	1	..	..	1
„ 28	..	..	1	..	..	1
	..	..	11	..	..	6
March 3	..	..	1	..	..	1
„ 11	..	..	1	..	..	..
„ 12	..	..	1	..	..	..
„ 18	..	..	1	..	..	..
„ 21	..	..	2	..	..	..
„ 22	..	..	2	..	..	..
„ 27	..	..	1	..	..	..
„ 29	..	..	2	..	..	..
„ 31	..	..	1	..	..	..
	..	..	12	..	..	1
April 1	..	..	1	..	..	..
„ 3	..	..	2	..	..	..
„ 4	..	..	3	..	..	1
„ 5	..	..	2	..	..	..
„ 6	..	..	1	..	..	..
„ 7	..	..	2	..	..	1
„ 8	..	..	3	..	..	..
„ 9	..	..	1	..	..	..
„ 11	..	..	3	..	..	..
„ 13	..	..	1	..	..	..
„ 14	..	..	2	..	..	..
„ 15	..	..	4	..	..	..
„ 17	..	..	2	..	..	..
„ 18	..	..	3	..	..	..
„ 19	..	..	3	..	..	..
„ 20	..	..	2	..	..	..
„ 21	..	..	1	..	..	..
„ 22	..	..	9	..	..	..
„ 23	..	..	3	..	..	..
„ 24	..	..	2	..	..	..
„ 25	..	..	1	..	..	..
„ 27	..	..	1	..	..	..
„ 30	..	..	2	..	..	..
	..	..	54	..	..	2

Date of Attacks.	Cases.			Deaths.		
	Men.	Women.	Children.	Men.	Women.	Children.
1865.						
May 2	..	..	2	..	..	..
„ 3	..	..	1	..	..	..
„ 4	..	..	4	..	..	..
„ 8	..	..	3	..	..	..
„ 9	..	..	4	..	..	..
„ 15	..	..	1	..	..	..
„ 17	..	..	1	..	..	..
„ 18	..	..	1	..	..	..
„ 19	..	..	2	..	..	..
„ 21	..	..	1	..	..	..
„ 30	..	..	1	..	..	..
	..	..	21	..	..	..
June 8	..	..	2	..	..	..
„ 9	..	..	1	..	..	..
„ 10	..	..	1	..	..	..
„ 11	..	..	1	..	..	..
„ 14	..	..	1	..	..	..
„ 16	..	..	1	..	..	..
„ 20	..	..	4	..	..	..
„ 25	..	..	3	..	..	..
„	..	..	1	..	..	..
„	..	..	1	..	..	..
	..	..	16	..	..	..

ABSTRACT OF THE PRECEDING TABLE.

Periods.	Cases.			Deaths.		
	Men.	Women.	Children.	Men.	Women.	Children.
1865.						
February	..	..	11	..	..	6
March	..	..	12	..	..	1
April	..	..	54	..	..	2
May	..	..	21	..	..	..
June	..	..	16	..	..	..
Totals	..	..	114	..	..	9

GRAND TOTALS.

Cases	114
Deaths	9

TABLE 5.—Showing the estimated Population and Number of Deaths from Scarlatina, (including Military,) in the Districts of Farnborough and Farnham, in each Year from 1859 to 1864.—(Furnished by the Registrar General.)

Years.	Estimated Population (at the Middle of each Year).		Deaths from Scarlatina.	
	Farnborough.	Farnham.	Farnborough.	Farnham.
1859	13,819	28,489	1	8
1860	14,101	29,727	1	10
1861	14,391	31,044	5	8
1862	14,690	32,444	4	18
1863	14,996	33,933	5	23
1864	15,312	35,516	16	102

NOTE A.—At the Census of 1861, the number of military in the Camp at Aldershot was in Farnborough 3,929, and in Farnham 8,965 ; it is here assumed that the numbers were constant in each of the years in this Table. If more correct information as to the number of military can be obtained, the figures in the Table should be corrected accordingly.

NOTE B.—The abstracts of diseases do not distinguish the military, but in the year 1864, when the mortality from scarlatina was highest, there were only two deaths at soldiers' ages, one being that of a barrack master's son, and the other that of a shoemaker at Farnham.

TABLE 6.—Showing Population in 1861 under 15 Years of Age. (Furnished by the Registrar General.)

Farnham	8,238
Farnborough	3,922

NUMBER of Deaths by Scarlatina and Diptheria in the Superintendent Registrar's Districts of Farnham and Farnborough from 1st January to 30th June 1865.

Cause of Death.	Farnham.		Farnborough.	
	For the Three Months ending the last Day of March 1865.	For the Three Months ending the last Day of June 1865.	For the Three Months ending the last Day of March 1865.	For the Three Months ending the last Day of June 1865.
Scarlatina - -	31	44	9	7
Diptheria - -	1	1	3	..

TABLE 7.—Showing the Cases and Deaths from Scarlet Fever and Measles in different Arms in the Camp at Aldershot from October 23rd, 1863, to June 30th, 1865.

Corps.	Scarlet Fever.		Measles.		Adults attacked with Scarlet Fever.
	Cases.	Deaths.	Cases.	Deaths.	
Staff - - - -	4	1	5	..	
Royal Engineers - - -	7	4	10	1	
Artillery.					
Royal Horse Artillery - - -	12	6	3	..	1 man, fatal.
4th Brigade Royal Artillery - -	10	2	..	..	
9th „ „ - -	41	10	10	..	3 men and 1 woman ; in one man fatal.
Artillery not distinguished in return supplied - - - - -	1	1	..	..	
	64	19	13	..	
Cavalry.					
1st Dragoons - - - -	2	..	..	..	1 man.
2nd „ - - - -	8	3	..	..	1 man.
5th Lancers - - - -	..	..	1	..	
14th Hussars - - - -	22	3	1	..	4 women and 1 man.
Military Train - - - -	23	3	6	..	
Cavalry not distinguished in return supplied - - - - -	11	3	..	..	
	66	12	8	..	

TABLE 7—*continued.*

Corps.	Scarlet Fever.		Measles.		Adults attacked with Scarlet Fever.
	Cases.	Deaths.	Cases.	Deaths.	
Infantry.					
Scotch Fusilier Guards	..	..	1	..	
1/13th Regiment	20	1	4	..	1 woman.
1/14th „	15	1	17	1	1 man and 1 woman.
1/21st „	6	1	..	..	1 man and 1 woman.
31st „	..	..	4	..	
39th „	7	4	..	..	
44th „	..	..	1	..	
59th „	32	7	..	..	
62nd „	27	1	11	..	4 men and 3 women.
69th „	2	..	..	..	
75th „	6	1	1	..	1 man.
83rd „	11	1	..	..	3 men.
85th „	12	1	24	7	2 men.
92nd „	3	..	4	..	
Infantry not distinguished in return supplied	39	5	..	..	
	180	23	67	8	
Schools	..	..	2	..	
Store department	2	1	1	..	
Army Hospital Corps	3	3	1	..	
Barrack department	4	..	..	..	1 woman.
Purveyors' department	1	..	..	..	
Medical officers' servants	2	..	..	..	Dr. Barry's servants (2 women).
Civilians	..	..	7	..	

SUMMARY OF THE FOREGOING TABLE.

Arm of the Service.	Scarlet Fever.		Measles.		Remarks.
	Cases.	Deaths.	Cases.	Deaths.	
Staff	4	1	5	..	
Royal Engineers	7	4	10	1	
Artillery	64	19	13	..	
Cavalry	66	12	8	..	
Infantry	180	23	67	8	
Schools	..	..	2	..	
Store department	2	1	1	..	
Army Hospital Corps	3	3	1	..	
Barrack department	4	..	..	..	
Purveyors' department	1	..	..	..	
Medical officers' servants	2	..	..	..	
Civilians	..	..	7	..	
Grand Total	333	63	114	9	

TABLE 8.—Showing the Dates and Localities of Scarlet Fever Cases; (also the Number of Inmates in Rooms or Huts, and the Distance in Feet at which consecutive Attacks occurred in the First 55 Cases).

Date.	Hut or Room attacked.	Scarlet Fever.		Number of Inmates in Rooms or Huts.	Distance between Rooms or Huts in Feet.
		Cases.	Deaths.		
1863.					
October 23	Infantry barracks, centre block	1	..	Not known.	
November 27	19 hut, M. lines, S. Camp	1	..	16	1,800
December 3	37 hut, F. „ „	2	..	8	750
1864.					
February 15	East block, cavalry barracks (a man)	1	..	16	3,000
March 19	10 hut, H. lines, N. Camp	1	..	Not known.	8,000
April 13	6 troop room, S. cavalry barracks	1	..	16	10,000

TABLE 8—*continued.*

Date.	Hut or Room attacked.	Scarlet Fever.		Number of Inmates in Rooms or Huts.	Distance between Rooms or Huts in Feet.
		Cases.	Deaths.		
1864.					
May 2	1 hut rear of barrack stores, S. Camp	1	..	2 families, one consisting of six persons.	7,580
„ 4	Officers' hut, R. lines „	3	..	7	1,300
„ 6	„ „ „	1	..	7	..
„ 12	Married quarters, W. cavalry barracks, 16 room	1	1	5	5,500
„ 15	„ „ „ 10 room	1	..	4	..
„ „	10 Troop room „ „	1	..	15	500
„ 18	Married quarters, W. cavalry barracks 16 room	1	..	4	500
„ 20	32 troop room, S. cavalry barracks	1	1	14	950
„ „	3 hut, S. lines, S. Camp	1	..	6	5,500
„ „	Officers' mess kitchen, S. lines, S. Camp	1	..	3	150
„ 21	3 hut, S. lines, S. Camp	1	..	6	150
„ „	2 „ X. „ „	1	..	6	850
„ 24	Engineer's cottage, near Pavilion Hotel	1	..	5	7,800
„ „	3 hut, R. lines, S. Camp	1	..	Not known.	7,500
„ „	Married quarters, 6 room, W. cavalry barracks	1	..	4	5,600
June 18	24 hut, R. lines, S. Camp.	1	..	8	5,400
„ „	V. hospital canteen „	1	..	Not known.	1,530
„ 21	3 hut, X. lines „	1	1	12	2,000
„ „	22 „ N. „ „	1	..	4	1,050
„ 22	Messman's quarter back room E. cavalry barracks	1	..	6	4,000
„ 23	F. O. quarters, R. lines. S. Camp	1	1	5	4,250
„ 24	2 officers' hut, S. lines, S. Camp	1	..	8	550
„ 25	Married quarters, E. cavalry barracks, 32 room	1	..	3	3,700
„ 30	2 hut, X. lines, S. Camp	1	..	6	4,750
„ „	5 „ „ „	1	..	10	110
July —	Troop room, S. cavalry barracks	1	1	Not known.	7,000
„ 1	F. O. quarters, R. lines, S. Camp	1	1	4	6,550
„ 3	16 hut, O. lines, N. Camp	1	..	13	5,200
„ „	20 „ L. „ „	1	..	17	850
„ 5	„ „ „	1	..	17	..
„ 7	Villa in Victoria road	1	1	Not known.	8,200
„ „	3 hut, X. lines, S. Camp	1	..	12	4,000
„ „	2 „ „ „	1	..	4	100
„ „	2 officers' hut, S. lines „	1	..	8	1,070
„ 8	22 hut, R. lines „	1	..	5	550
„ 11	30 „ Y. „ „	1	..	15	650
„ „	22 „ N. „ „	1	..	4	1,100
„ 12	25 „ A. „ N. Camp	1	1	12	5,100
„ 14	No. 2 servants' kitchen, V. lines, S. Camp	1	..	5	6,650
„ 17	1 hut, barrack serjeants,' near Pavilion Hotel	1	..	6	5,850
„ 21	6 „ O. lines, S. Camp	1	..	14	6,700
„ 23	24 „ R. „ „	1	1	5	550
„ 28	Artillery barracks, M. S. qrs., 6 room B. passage,	1	1	4	2,480
„ 29	25 hut, N. lines, S. Camp	1	..	8	3,000
„ „	15 „ L. „ „	1	..	8	1,500
„ „	22 „ R. „ „	1	..	5	1,460

				Remarks.
August 7	5 barrack room, permanent barracks, down stairs	1	..	
„ „	„ „ „	1	..	
„ 9	3 hut, O. lines, S. Camp	1	1	
„ „	5 barrack room, permanent barracks, up stairs	1	..	
„ „	„ „ „	1	..	
„ 11	„ „ „	1	1	
„ „	„ „ „	1	1	
„ 13	4 „ „	1	..	
„ 14	"Out of barracks"	1	..	
„ 15	7 room, permanent barracks, up stairs	1	..	
„ „	Steward's quarters, new hospital hut	1	1	
„ 18	6 barrack room, W. cavalry barracks up stairs	1	..	A woman.
„ „	15 hut, L. lines, N. Camp	1	..	A private.
„ 19	7 and 8 room, B. passage, M. S. qrs. artill. bks.	1	..	
„ 21	3 hut, O. lines, N. Camp	1	1	
„ „	19 „ K. „ „	1	1	
„ 24	24 barrack room, permanent barracks, down stairs	1	..	
„ „	Steward's quarters, new hospital hut	1	1	
„ „	4 barrack room, infantry barracks, down stairs	1	..	
„ 25	19 hut, E. lines, S. Camp	1	..	
„ „	1 „ B. „ „	1	..	
„ „	19 „ E. „ „	1	1	
„ „	5 barrack room, infantry barracks, down stairs	1	..	A private.

TABLE 8—*continued.*

Date.	Hut or Room attacked.	Scarlet Fever.		Remarks.
		Cases.	Deaths.	
1864.				
August 27 -	5 barrack room, artillery barracks, up stairs -	1	..	
„ „	18 hut, E. lines, S. Camp - - -	1	..	
„ 28 -	G. passage, married qrs., E. infy. bks. down stairs	1	..	
„ „ -	33 barrack room, permanent barracks, down stairs	1	..	
„ „ -	Hospital hut, V. lines, S. Camp - - -	1	..	A private.
„ „ -	4 room, A. pass. M. S. qrs., centre infantry bcks.	1	..	A woman.
„ „ -	19 hut, C. lines, N. Camp - - -	1	..	
„ 29 -	22 „ E. „ S. Camp - - - -	1	..	
„ 30 -	20 „ „ „ - - - -	3	1	
„ „ -	10 room, centre infantry barracks, up stairs -	1	..	A private.
September 1 -	Residing in "New Town" - - -	1	..	
„ 2 -	33 room, Royal Horse Artill. bcks., down stairs -	1	1	
„ „ -	20 hut, E. lines, S. Camp - - -	1	..	
„ 4 -	H. pass., married qrs., E. infy. bcks., down stairs	1	1	
„ „ -	20 hut, E. lines, S. Camp - - -	1	1	
„ „ -	12 „ „ „ - - - -	1	1	
„ „ -	6 room, infantry barracks, down stairs - -	1	..	A private.
„ 5 -	12 hut, E. lines, S. Camp - - -	3	..	
„ „ -	15 „ „ „ - - - -	1	..	
„ 6 -	6 barrack room, West cavalry barracks, up stairs	1	..	A woman.
„ „ -	12 hut, E. lines, S. Camp - - -	1	..	
„ „ -	10 „ „ „ - - - -	1	..	
„ 7 -	H. pass., married qrs., E. infy. bcks., down stairs	1	..	
„ „ -	25 hut, O. lines, N. Camp - - -	1	..	
„ 10 -	15 „ E. „ S. Camp - - -	1	..	
„ 13 -	7 & 8 rooms, D. pas., M. S. qrs., E. inf. bks., up stirs	1	..	
„ 14 -	3 room, F. pas., M. S. qrs., E. infy. bks., dwn stairs	1	..	
„ „ -	17 barrack room, infantry barracks, up stairs -	1	..	A private.
„ 18 -	6 barrack room, W. cavalry barracks - -	1	1	
„ 21 -	10 hut, E. lines, S. Camp - - -	1	..	
October 1 -	32 room, E. infantry barracks, down stairs -	1	1	
„ „ -	7 and 8 rooms, D. pas., M. S. qrs., E. infy. bcks -	1	..	
„ „ -	7 and 8 „ B. „ „ „ -	1	..	
„ 4 -	32 barrack room, E. infy. bcks., down stairs -	1	1	
„ 5 -	3 hut, E. lines, S. Camp - - - -	1	..	
„ 9 -	12 „ „ „ - - - -	1	..	
„ 12 -	15 „ „ „ - - - -	1	..	
„ 13 -	12 „ „ „ - - - -	1	..	
„ „ -	1 „ O. „ N. Camp - - - -	1	..	
„ „ -	18 „ E. „ S. Camp - - - -	1	..	
„ 14 -	6 room, married qrs., S. cavalry bcks., up stairs -	1	..	
„ 15 -	17 hut, E. lines, S. Camp - - -	1	1	
„ 17 -	31 „ H. „ N. Camp - - -	1	1	
„ 20 -	15 „ D. „ „ - - - -	1	1	
„ 21	16 „ M. „ „ - - - -	1	..	A private.
„ 26 -	2 room, E. infantry barracks, up stairs - -	1	1	A driver, R. H. A.
„ 27 -	6 „ married qrs., S. cavalry bcks., up stairs -	1	..	
„ 31 -	20 hut, E. lines, S. Camp - - -	1	..	
„ „ -	1 hut, C. „ N. Camp - - -	1	1	
November 10 -	18 „ E. „ S. Camp - - -	4	..	
„ 13 -	4 „ E. „ „ - - - -	1	1	
„ 14 -	2 „ B. passage, Royal Artill. married qrs. -	2	..	
„ 18 -	2 „ B. lines, N. Camp - - -	1	..	A private.
„ 20 -	40 „ M. „ „ - - - -	1	..	
„ 21 -	2 room, B. passage, Roy. Artill. married qrs. -	1	..	
„ 23 -	31 „ centre infantry barracks - -	1	..	
„ „ -	40 hut, M. lines, N. Camp - - -	1	1	
„ „ -	39 „ „ „ - - - -	1	..	
„ 27 -	12 „ L. „ „ - - -	1	..	A corporal.
„ 29 -	6 room, W. cavalry barracks, up stairs - -	1	..	A private.
„ „ -	5 „ „ „ „ - -	1	..	
December 1 -	5 „ „ „ „ - -	1	..	
„ 2 -	17 „ „ cavalry married qrs., down stairs -	1	..	
„ 3 -	20 hut, O. lines, N. Camp - - -	1	..	
„ 4 -	21 „ M. „ S. Camp - - -	1	..	
„ 5 -	40 „ M. „ N. Camp - - -	1	..	
„ 7 -	3 „ A. „ S. Camp - - -	1	..	
„ „ -	23 „ G. „ „ - - - -	1	..	
„ 12 -	31 barrack room, centre infantry barracks -	1	1	
„ „	21 hut, Y. lines, S. Camp - - -	4	..	
„ 13 -	1 „ H. „ N. Camp - - - -	1	..	
„ 27 -	17 room, married qrs., W. cvlry bks., down stairs	1	..	
„ 28 -	31 barrack room, centre block, down stairs -	1	..	
„ 29 -	5 „ „ W. cavalry barrack, up stairs -	1	..	A woman.

TABLE 8—*continued.*

Date.	Hut or Room attacked.	Scarlet Fever.		Remarks.
		Cases.	Deaths.	
1864.				
December 30	31 barrack room, centre block, down stairs	1	..	
„ „	30 „ „ „	3	1	
„ 31	35 „ permanent barracks, down stairs	1	1	
1865.				
January 1	31 barrack room, centre infantry barracks	3	1	
„ 5	21 hut, Y. lines, S. Camp	1	..	
„ 7	6 ward union hospital	1	..	A corporal.
„ 11	31 barrack room, centre infantry barracks	3	..	
„ 13	31 hut, H. lines, N. Camp	1	1	
„ 18	31 barrack room, centre infantry barracks	1	..	
„ 19	Children's hospital	1	..	
„ „	18 hut, E. lines, S. Camp	1	..	
„ 21	3 room, B. passage, married qrs., artillery bks.	1	..	
„ „	3 „ C. „ „ „	1	..	
„ 22	2 barrack room, permanent artill. bks., up stairs	1	..	A driver, Roy. Artill.
„ 23	4 room, B. passage, married quarters, artill. bks.	1	..	
„ 24	2 „ permanent married quarters „	2	1	
„ 25	15 „ staff quarters, up stairs	1	..	
„ 26	39 barrack room, centre block, up stairs	1	..	
„ „	39 „ „ inf. bks., dwn. stairs	1	1	A gunner, Roy. Artill.
„ 30	31 „ „ „ up stairs	1	1	
February 1	41 „ „ „ „	1	..	A woman.
„ 2	40 „ „ „ „	1	1	
„ 6	18 hut, M. lines, S. Camp	1	..	A private.
„ 13	16 „ „ „	1	1	
„ 19	1 barrack room, permanent artillery barracks	1	..	
„ „	7 „ „ barrack, up stairs	1	1	
„ 20	27 room, married qrs., S. cavalry bks., down stairs	1	1	
„ „	12 hut, Y. lines, S. Camp	2	..	
„ 21	2 barrack room, artillery barracks, up stairs	1	..	A driver, Roy. Artill.
„ „	3 room, C. passage, married qrs., artillery bks.	1	..	
„ 22	7 barrack room, permanent barracks, up stairs	1	1	
„ 28	6 room, W. cavalry married quarters, up stairs	1	..	
„ „	3 „ staff quarters, W. cavalry barracks	2	..	
„ „	2 hut, H. lines, N. Camp	1	1	
March 1	2 room, staff quarters, W. cavalry barracks	1	..	
„ 2	3 „ married quarters „ „	1	..	
„ „	2 „ staff quarters „ „	1	..	
„ 3	2 „ „ „ „	2	..	One a woman.
„ 6	1 hut, D. lines, N. Camp	1	..	
„ 8	Women's hospital	1	1	
„ 9	Canteen, centre infantry barracks	1	..	A woman.
„ 10	1 hut, G. lines, S. Camp	1	..	A woman.
„ 13	52 barrack room, E. block, infantry barracks	1	..	
„ 19	15 „ permanent barracks, W. block	1	..	
„ 26	Women's hospital	1	..	
„ 28	7 hut, O. lines, S. Camp	1	1	
„ 29	Staff quarters, Q. lines, S. Camp	1	..	
„ „	6 room, S. cavalry barracks	1	..	
April 1	F. O. quarters, V. lines, S. Camp	1	..	A woman.
„ 2	9 hut, M. lines, S. Camp	1	..	
„ „	Staff quarters, Q. lines, S. Camp	1	..	
„ 7	1 room, married quarters, S. cavalry barracks	2	2	
„ „	F. O. quarters, V. lines, S. Camp	1	..	A woman.
„ 9	15 barrack room, E. infantry barracks	1	..	
„ 14	Staff quarters, Q. lines, S. Camp	1	..	
„ „	2 hut, A. lines, N. Camp	1	1	
„ 15	20 „ N. „ S. „	1	..	
„ „	5 „ O. „ „	1	1	
„ „	9 room, E. cavalry barracks	1	..	
„ „	Staff quarters, Q. lines, S. Camp	1	1	
„ 17	Women's hospital	1	..	A woman.
„ 19	E. passage, M. S. qrs., centre infantry barracks	1	..	
„ „	21 hut, M. lines, N. Camp	1	..	
„ 21	Winchester villa, Victoria road	2	..	
„ 22	23 hut, Q. lines, S. Camp	1	..	
„ „	3 room, centre infantry barracks	1	..	
„ „	6 „ C. passage, M. S. qrs., centre infy. bks.	1	..	
„ 23	8 barrack room, centre infantry barracks	1	1	
„ 25	6 „ artillery barracks	1	1	
„ 26	Steward's quarters, new hospital huts	1	1	
„ 27	8 room, G. passage, M. S. qrs., W. block	1	..	
„ „	5 hut, X. lines, S. Camp	1	..	
„ 28	9 „ B. „ N. „	1	..	
„ „	31 „ H. „ S. „	1	..	

TABLE 8—*continued.*

Date.	Hut or Room attacked.	Scarlet Fever.		Remarks.
		Cases.	Deaths.	
1865.				
April 29	4 room, G. passage, M. S. qrs., centre infy. bks.	1	..	
„ „	53 barrack room, East block „	1	..	A woman.
„ 30	6 and 7 rooms, E. pass., M. S. qrs., centre inf. bks.	1	..	
„ „	1 and 2 rooms, E. pass., M. S. qrs., centre inf. bks.	1	..	
May 1	8 room, G. pass., M. S. qrs., W. infantry barracks	1	..	
„ 3	55 barrack room, E. block	1	..	
„ „	5 room, A. passage, M. S. qrs., W. infy. barracks	1	..	
„ „	1 „ Staff quarters, W. cavalry barracks	1	..	
„ 4	23 hut, H. lines, S. Camp	1	..	
„ „	20 „ N. „ „	1	1	
„ „	B. canteen, S. Camp	2	..	
„ 5	Married quarters near barrack stores	1	..	
„ 6	3 room, B. passage, M. S. qrs., centre infy. bks.	1	..	
„ „	2 „ staff quarters, W. infantry barracks	1	..	A woman.
„ „	1 and 3 room, G. pass. M. S. qrs., W. infy. bks.	1	..	
„ „	1 room, A. passage, centre infantry barracks	1	..	
„ 7	6 and 7 G. „ west infantry barracks	1	..	
„ „	20 hut, N. lines, S. Camp	1	..	
„ 8	5 „ X. „ „	2	2	
„ 9	Tent on Windy Gap Hill	1	..	
„ 10	2 room, staff quarters, W. infantry barracks	1	..	
„ 12	Telegraph hut, Q. lines	1	..	
„ „	3 room, F. passage, M. S. qrs., E. infantry bcks.	1	..	
„ 13	5 hut, H. lines, S. Camp	1	..	
„ „	8 „ O. „ „	1	..	
„ „	55 barrack room, E. infantry barracks	1	1	
„ 14	8 hut, G. lines, S. Camp	1	..	
„ „	Canteen B. „ „	1	..	
„ 15	5 hut, X. „ „	1	..	
„ 16	2 room, staff quarters, W. infantry barracks	1	..	
„ „	Tent, Windy Gap Hill	1	1	
„ 17	8 hut, M. lines, S. Camp	1	..	
„ 18	Tents, Windy Gap Hill	1	..	
„ „	4 house, Westbourne terrace	1	..	
„ 19	10 barrack room, W. block, permanent barracks	1	..	
„ „	5 room, C. passage, M. S. qrs., E. infantry bks.	1	..	
„ „	7 „ G. „ „ centre infantry bks.	1	..	
„ „	Tents, Windy Gap Hill	4	..	
„ „	1 barrack room, S. cavalry barracks	1	..	
„ 20	53 „ centre infantry barracks	1	..	
„ 21	62 house, Westbourne terrace	1	..	
„ „	55 barrack room, E. infantry barracks	1	..	
„ „	Tent, Windy Gap Hill	1	..	
„ „	5 hut, X. lines, S. Camp	1	..	
„ 23	Canteen, centre infantry barracks	1	..	
„ 24	31 hut, R. lines, S. Camp	4	..	
„ 25	„ „ „	2	..	
„ 26	„ „ „	1	..	
„ „	2 room, F. passage, M. S. qrs., W. infantry bks.	1	..	
„ 28	Tent, Windy Gap Hill	1	..	
„ 29	15 hut, A. lines, N. Camp	1	..	
„ „	6 and 7 rooms, E. pass., M. S. qrs., centre inf. bks.	1	..	
„ 30	2 hut, B. lines, N. Camp	1	..	A private.
„ 31	Tent, Windy Gap Hill	1	..	
June 1	„ „	1	..	
„ 2	17 hut, N. lines, S. Camp	1	1	
„ „	40 barrack room, centre infantry barracks	1	..	A woman.
„ 5	12 hut, G. lines, S. Camp	1	..	
„ „	14 „ K. „ „	1	..	
„ 7	Tents, Iron Church Camp	1	..	
„ 8	„ „ „	2	..	
„ 9	„ „ „	1	..	
„ 14	1 hut, near barrack stores	1	..	A woman.
„ „	8 „ O. lines, S. Camp	1	..	
„ „	Anderson's cottage	1	..	
„ 15	House in Waterloo Road	1	..	
„ 16	Tents, Jersey Cottage	1	..	
„ 19	24 barrack room, W. infantry barracks	1	..	
„ „	Tents, Cove Common	2	..	
„ 22	14 hut, D. lines, N. Camp	1	..	
„ 23	Tents, Iron Church Camp	1	..	
„ „	3 hut, X. lines, S. Camp	1	..	
„ 27	House in Victoria Road	1	..	

TABLE 9.—Showing approximate Distribution of Women and Children in the Permanent Barracks and Huts at Aldershot during the year 1864. (Furnished by Deputy Inspector-General of Hospitals, R. C. Elliot.)

Accommodation.	Women.	Children.
East, West, and South Permanent Cavalry Barracks.		
Barrack rooms	47	61
Married quarters	124	176
Royal Artillery and Royal Horse Artillery in Permanent Barracks.		
Barrack rooms,	76	114
Married Quarters	24	46
Three Blocks Permanent Infantry Barracks.		
Barrack rooms	20	41
Married quarters	162	261
Lines—North Camp	278	296
Lines—South Camp	478	767
Total	1,209	1,762

TABLE 10.—Showing the Number of Cases and Deaths from Scarlet Fever and Measles in Officers and Non-Commissioned Officers' Quarters.

OFFICERS' QUARTERS.

Corps in Occupation.	Room, &c.	Scarlet Fever. Cases.	Scarlet Fever. Deaths.	Measles. Cases.	Measles. Deaths.	Date of first and last Attack of Scarlet Fever.	Remarks.
Staff.							
Staff	F. O. qrtrs. V. lines S. Camp	2	..	..	..	1 & 7 April 1865.	2 women.
„	Staff qrtrs. Q. lines S. Camp	4	1	..	..	29 March & 15 April 1865.	
„	Commander-in-Chief's hut	..	..	1	..		
„	R.E. hut, Avenue Road	..	..	3	..		
„	Military Stores	..	..	1	..		
Military Train	1 Offrs'. hut R. lines S. Camp	..	..	1	..		
„	3 „ S. „ „	..	..	4	..		
Infantry.							
Not given	Offrs'. hut R. lines S. Camp	4	..	..	..	4 to 6 May 1864.	
„	F.O. qrtrs. „ „	2	2	..	..	23 June & 1 July 1864.	
„	2 Offrs'. hut S. „ „	2	..	..	..	24 June & 7 July 1864.	
85th Regiment	1 Offrs'. hut T. lines S. Camp	..	..	6	..		
	Totals	14	3	16	..		

NON-COMMISSIONED OFFICERS' QUARTERS.

Cavalry.							
14th Hussars	1 Staff qrtrs. W. clvry bks.	1	..	..	..	3 May 1865.	
„	3 „ up stairs	2	..	..	..	28 February 1865.	
„	15 „ „	1	..	..	..	25 January 1865.	
Infantry.							
1/13th Regt.	2 room Stff. qrtrs. W. inf. bks.	7*	..	1	..	1 March & 16 May 1865.	* 4 of these occurred between March 1 & 3, 1865; 2 in women.
1/14th Regt.	Hspl. srgnt's. qrtrs. V. lines S. Camp.	..	..	1	..		
Army Hspl. Corps.	Stwrd's. qrtrs. new hspl. hut	3	3	..	..	15 Aug. '64, & 26 April '65.	
	Totals	14	3	2	..		

TABLE 11.—Showing the Number of Attacks and Deaths from Scarlet Fever and Measles in Men's Huts in the Lines of the North Camp, Aldershot.

Lines.	Huts.	Scarlet Fever.		Measles.		Dates of first and last Attacks of Scarlet Fever in each Hut.	Remarks.
		Cases.	Deaths.	Cases.	Deaths.		
A.	No. 2	1	1	..	..	14 April 1865.	
	„ 15	1	..	..	..	29 May 1865.	
	„ 25	1	1	..	..	12 July 1864.	
B.	No. 2	2	..	..	..	18 Nov. 1864 & 30 May 1865.	Two men.
	„ 9	1	..	..	..	28 April 1865.	
C.	No. 1	4	1	..	..	31 Oct. 1864.	
	„ 19	1	..	..	..	28 Aug. 1864.	
	„ 32	..	..	1	..		
D.	No. 1	1	..	..	..	6 March 1865.	
	„ 14	1	..	..	..	22 June 1865.	
	„ 15	1	1	..	..	20 Oct. 1864.	
H.	No. 1	1	..	..	..	13 Dec. 1864.	
	„ 2	1	1	..	..	— Feb. 1865.	
	„ 10	1	..	..	..	19 March 1864.	
	„ 31	2	2	..	..	17 Oct. 1864, & 13 Jan. 1865.	
I.	No. 21	..	..	1	..		
K.	No. 19	1	1	..	..	21 Aug. 1864.	
L.	No. 12	1	..	..	..	27 Nov. 1864 - - -	A corporal.
	„ 15	1	..	..	..	18 Aug. 1864 - - -	A private.
	„ 20	2	..	..	..	3 and 5 July 1864.	
M.	No. 16	1	..	..	..	21 Oct. 1864 - - -	A private.
	„ 21	1	..	..	..	19 April 1865.	
	„ 39	1	..	..	..	23 Nov. 1864.	
	„ 40	3	1	..	..	20 Nov. & 5 Dec. 1864.	
O.	No. 1	1	..	..	..	13 Oct. 1864.	
	„ 3	1	1	..	..	21 Aug. 1864.	
	„ 16	1	..	..	..	3 July 1864.	
	„ 20	1	..	..	..	3 Dec. 1864.	
	„ 25	1	..	..	..	7 Sept. 1864.	

TABLE 12.—Showing the total Number of Attacks and Deaths from Scarlet Fever and Measles in each of the Lines of the North Camp, Aldershot.

Lines.	Number of Huts attacked.	Scarlet Fever.		Measles.		Dates of first and last Attacks of Scarlet Fever in each Line.	Remarks.
		Cases.	Deaths.	Cases.	Deaths.		
A.	3	3	2	..	..	12 July 1864, & 29 May 1865.	
B.	2	3	..	..	..	18 Nov. 1864, & 30 May 1865	Two men.
C.	3	5	1	1	..	28 Aug. & 31 Oct. 1864.	
D.	3	3	1	..	..	20 Oct. 1864, & 22 June 1865.	
H.	4	5	3	..	..	19 March 1864, & Feb. – 1865.	
I.	1	..	..	1	..		
K.	1	1	1	..	..	21 Aug. 1864.	
L.	3	4	..	..	..	3 July & 27 Nov. 1864 -	Two men.
M.	4	6	1	..	..	21 Oct. 1864, & 19 April 1865	One man.
O.	5	5	1	..	..	3 July & 3 Dec. 1864.	
Totals	29	35	10	2	..		

TABLE 13.—Showing the Number of Attacks and Deaths from Scarlet Fever and Measles in Men's Huts in the Lines of the South Camp, Aldershot.

Lines.	Huts.	Scarlet Fever.		Measles.		Dates of first and last Attacks of Scarlet Fever in each Hut.	Remarks.
		Cases.	Deaths.	Cases.	Deaths.		
A.	No. 3	1	..	..	..	7 Dec. 1864.	
	„ 24	..	..	1	..		
B.	No. 1	1	..	..	..	25 Aug. 1864.	
D.	No. 1	..	..	2	..		
E.	No. 3	1	..	..	..	5 Oct. 1864,	
	„ 4	2	1	..	..	13 Nov. 1864.	
	„ 9	..	..	2	..		
	„ 10	2	..	..	..	6 & 21 Sept. 1864.	
	„ 12	7	1	..	..	4 Sept. & 13 Oct. 1864.	
	„ „	..	..	1	..		
	„ 15	3	..	..	..	5 Sept. & 12 Oct. 1864.	

TABLE 13—*continued.*

Lines.	Huts.	Scarlet Fever.		Measles.		Dates of first and last Attacks of Scarlet Fever in each Hut.	Remarks.
		Cases.	Deaths.	Cases.	Deaths.		
E.	No. 17	1	1	..	..	15 Oct. 1864.	
	„ 18	4	..	..	..	27 Aug. 1864 & 19 Jan. 1865.	
	„ 19	2	1	..	..	25 Aug. 1864.	
	„ 20	6	2	..	..	30 Aug. & 31 Oct. 1864.	
	„ 22	1	..	..	..	29 Aug. 1864.	
F.	No. 3	..	..	3	..		
	„ 37	2	..	..	..	3 Dec. 1863.	
G.	No. 1	1	..	..	..	10 March 1865 - - - - -	A woman.
	„ „	..	..	1	..		
	„ 8	1	..	..	..	14 May 1865.	
	„ 12	1	..	..	..	5 June 1865.	
	„ 21	..	..	1	..		
	„ 23	1	..	..	..	7 Dec. 1864.	
H.	No. 5	1	..	..	..	13 May 1865.	
	„ 21	..	..	4	1		
	„ 23	1	..	..	..	4 May 1865.	
	„ 31	1	..	..	..	28 April 1865.	
	„ „	..	..	1	..		
I.	No. 37	..	..	2	..		
K.	No. 1	..	..	2	..		
	„ 14	1	..	..	..	5 June 1865.	
L.	No. 2	..	..	3	..		
	„ 15	1	..	..	..	29 July 1864.	
M.	No. 8	1	..	..	..	17 May 1865.	
	„ 9	1	..	..	..	2 April 1865.	
	„ 13	..	..	1	..		
	„ 15	..	..	1	..		
	„ 16	1	1	..	..	13 Feb. 1865.	
	„ „	..	..	1	1		
	„ 18	1	..	..	..	6 Feb. 1865 - - - - -	A private.
	„ „	..	..	1	..		
	„ 19	1	..	..	..	27 Nov. 1863.	
	„ „	..	..	2	2		
	„ 21	1	..	..	..	4 Dec. 1864.	
N.	No. 17	1	1	..	..	2 June 1865.	
	„ 20	3	1	..	..	15 April & 7 May 1865.	
	„ 22	2	..	..	..	21 June & 11 July 1864.	
	„ 25	1	..	..	..	29 July 1864.	
O.	No. 3	1	1	..	..	9 Aug. 1864.	
	„ „	..	..	2	1		
	„ 5	1	1	..	..	15 April 1865.	
	„ 6	1	..	..	..	21 July 1864.	
	„ 7	1	1	..	..	28 March 1865.	
	„ „	..	..	4	..		
	„ 8	2	..	..	..	13 May & 14 June 1865.	
Q.	No. 8	..	..	1	..		
	„ 23	1	..	..	..	22 April 1865.	
R.	No. 3	1	..	..	..	24 May 1864.	
	„ 22	3	1	..	..	8 & 29 July 1864.	
	„ 24	1	..	..	..	18 June 1864.	
	„ 31	7	..	..	..	24 & 26 May 1865.	
S.	No. 3	2	..	..	..	20 & 21 May 1864.	
	„ 5	..	..	5	3		
X.	No. 2	3	..	..	..	21 May & 7 July 1864.	
	„ 3	3	1	..	..	21 June 1864 & 23 June 1865.	
	„ 5	6	2	..	..	30 June 1864 & 21 May 1865.	
	„ „	..	..	1	..		
Y.	No. 12	2	..	..	..	20 Feb. 1865.	
	„ 21	5	..	..	..	12 Dec. 1864 & 5 Jan. 1865.	
	„ 30	1	..	..	..	11 July 1864.	
Z.	No. 21	..	..	1	..		

TABLE 14.—Showing the total Number of Attacks and Deaths from Scarlet Fever and Measles in each of the Lines of the South Camp, Aldershot.

Lines.	Number of Huts attacked.	Scarlet Fever.		Measles.		Dates of first and last Attack of Scarlet Fever in each Line.	Remarks.
		Cases.	Deaths.	Cases.	Deaths.		
A.	2	1	..	1	..	7 Dec. 1864.	
B.	1	1	..	..	..	25 Aug. 1864.	
D.	1	..	..	2	..		
E.	11	29	6	3	..	25 Aug. & 19 Jan. 1865.	
F.	2	2	..	3	..	3 Dec. 1863.	
G.	5	4	..	2	..	7 Dec. 1864 & 5 June 1865 -	1 woman.
H.	4	3	..	5	1	28 April & 13 May 1865.	

TABLE 14—*continued.*

Lines.	Number of Huts attacked.	Scarlet Fever.		Measles.		Dates of first and last Attack of Scarlet Fever in each Line.	Remarks.
		Cases.	Deaths.	Cases.	Deaths.		
I.	1	..	..	2	..		
K.	2	1	..	2	..	5 June 1865.	
L.	2	1	..	3	..	29 July 1864.	
M.	8	6	1	6	3	27 Nov. 1863 & 17 May 1865 - -	1 man.
N.	4	7	2	..	..	21 June 1864 & 2 June 1865.	
O.	5	6	3	6	1	21 July 1864 & 14 June 1865.	
Q.	2	1	..	1	..	22 April 1865.	
R.	4	12	1	..	..	24 May 1864 & 26 May 1865.	
S.	2	2	..	5	3	20 & 21 May 1864.	
X.	3	12	3	1	..	21 May 1864 & 21 May 1865.	
Y.	3	8	..	..	..	11 July 1864 & 20 Feb. 1865.	
Z.	1	..	..	1	..		
Totals -	63	96	16	43	8		

TABLE 15.—Showing the Number of Cases and Deaths from Scarlet Fever and Measles among Families living in Permanent Barrack Rooms.

Corps in Occupation.	Room.	Scarlet Fever.		Measles.		Dates of first and last Attack of Scarlet Fever.	Remarks.
		Cases.	Deaths.	Cases.	Deaths.		
Cavalry.							
Not given - -	S. cavalry barracks - -	1	1	..	..	July 1864.	
„ - -	East block - - -	1	..	..	..	15 February 1864.	1 man.
1st Dragoons -	10 room W. cavalry barracks	1	..	..	..	15 May 1864.	
„	9 room east cavalry barracks	1	..	..	..	15 April 1865.	
2nd „ -	1 „ south „ -	1	..	..	..	19 May 1865.	
„ „ -	6 „ „ „ -	2	..	..	..	13Apr.1864&29Mar.1865.	
„ „ -	32 „ „ „ -	1	1	..	..	20 May 1864.	
„ „ -	Mess-man's quarters, back room east cavalry bks.	1	..	..	..	22 June 1864.	
14th Huzzars -	5 room W. cav. bks. up stairs	3	..	..	..	29 Nov. & 29 Dec. 1864	1 woman.
„ „ -	6 „ „ „ -	4	1	..	..	18 Aug. & 29 Nov. 1864	2 women & 1 man.
Artillery.							
Roy. Horse Artill.	2 „ E. inf. bks. „ -	1	1	..	..	26 October 1864 - -	A man.
„	30 „ „ „ east block	..	..	1	..		
„	32 „ „ „ down stairs	2	2	..	..	1 & 4 October 1864.	
„	33 „ „ „ „ -	2	1	..	..	Aug. 28 & Sept. 2, 1864.	
„	35 „ „ „ „ -	1	1	..	..	31 Dec. 1864.	
„	39 „ „ „ - -	..	..	1	..		
„	41 „ „ - -	..	..	1	..		
Royal Artillery -	1 „ artillery barrrcks -	..	..	2	..		
„	6 „ „ -	1	1	..	..	25 April 1865.	
„	9 „ „ -	..	..	3	..		
4th Brigade R. A.	4 „ up stairs - -	1	..	..	..	13 August 1864.	
„	5 „ „ - -	5	2	..	..	9 & 27 August 1864.	
„	5 „ down stairs - -	2	..	..	..	7 August 1864.	
„	7 „ up stairs - -	1	..	..	..	15 August 1864.	
„	24 „ down stairs - -	1	..	..	..	24 August 1864.	
9th „	1 „ artillery barracks -	1	..	..	..	19 February 1865.	
„	2 „ „ up stairs -	2	..	..	..	22 Jan. & 21 Feb. 1865	2 men.
„	7 „ „ „ -	2	2	4	..	19 & 22 Feb. 1865.	
„	30 „ centre bks. dwn stairs	3	1	..	..	30 December 1864.	
„	31 „ centre inf. bks. „ -	12	3	..	..	23Nov.1864&30Jan.1865.	
„	39 „ centre block up stairs	1	..	..	..	26 Jan. 1865.	
„	39 „ inf. bks. down stairs	1	1	..	..	26 Jan. 1865 - -	A man.
„	40 „ centre inf. bks. up strs	1	1	..	..	2 February 1865.	
„	41 „ „ „ „ -	1	..	..	..	1 February 1865 - -	A woman.
Infantry.							
1/13th Regiment	10 „ west block - -	1	..	..	..	19 May 1865.	
„	15 „ „ - -	1	..	..	..	19 March 1865.	
„	17 „ „ - -	..	..	1	..		
„	24 „ „ - -	1	..	..	..	19 June 1865.	
1/14th Regiment	15 „ east inf. bks. - -	1	..	5	1	9 April 1865.	
„	17 „ „ - -	..	..	2	..		
„	33 „ „ - -	..	..	1	..		
„	49 „ „ - -	..	..	1	..		
„	52 „ „ - -	1	..	3	..	13 March 1865.	
„	55 „ „ - -	3	1	2	..	3 & 21 May 1865.	
„	53 „ „ - -	1	..	..	..	29 April 1865 - -	A woman.
62nd Regiment -	3 „ centre inf. bks. -	1	..	1	..	22 April 1865.	
„ -	4 „ „ - -	1	..	1	..	24 August 1864.	
„	5 „ „ - -	1	..	..	..	25 August 1864 - -	A man.
„	6 „ „ - -	1	..	..	..	4 September 1864 -	A man.

TABLE 15—*continued.*

Corps in Occupation.	Room.	Scarlet Fever.		Measles.		Date of first and last Attack of Scarlet Fever.	Remarks.
		Cases.	Deaths.	Cases.	Deaths.		
62nd Regiment -	8 room centre bks. - -	1	1	1	..	23 April 1865.	
,, -	10 ,, ,, up stairs	1	..	..	..	30 August 1864 - -	A man.
,, -	17 ,, ,, - -	1	..	..	..	14 September 1864 -	A man.
,, -	40 ,, centre bks. - -	1	..	..	..	2 June 1865 - -	A woman.
,, -	53 ,, ,, - -	1	..	..	..	20 May 1865.	
66th Regiment -	35 room W. block inf. bks.	..	..	1	..		
Not given - -	Centre block - - - -	1	..	..	..	23 October 1863.	
	Totals - - -	76	21	31	1		

TABLE 16.—Showing the Number of Cases and Deaths from Scarlet Fever and Measles among Families living in Permanent Married Quarters.

Corps in Occupation.	Room.	Scarlet Fever.		Measles.		Date of first and last Attack of Scarlet Fever.	Remarks.
		Cases.	Deaths.	Cases.	Deaths.		
Not given - -	6 room W. cavalry bks. -	1	..	..	..	24 May 1864.	
,, -	10 ,, ,, - -	1	..	..	..	15 May 1864.	
,, -	16 ,, ,, - -	2	1	..	..	12 & 18 May 1864.	
,, -	32 ,, E. ,, - -	1	..	..	..	25 June 1864.	
Cavalry.							
2nd Dragoons -	1 room S. cavalry bks. -	2	2	..	..	7 April 1865.	
,, -	6 ,, ,, up stairs	2	..	..	..	14 & 27 October 1864.	
,, -	27 ,, ,, down stairs	1	1	..	..	20 February 1865.	
5th Lancers -	2 ,, A. pass. centre bks.	..	..	1	..		
14th Hussars -	3 ,, W. cav. bks. up stairs	1	..	..	..	2 March 1865.	
,, -	6 ,, ,, ,, ,, -	1	..	..	..	28th February 1865.	
,, -	17 ,, ,, down stairs -	2	..	..	..	2 & 27 December 1864.	
Artillery.							
Roy. Horse Artill.	1 room A. pass. centre inf. bks.	1	..	..	..	6 May 1865.	
,,	G. pass. E. inf. bks. down stairs	1	..	..	..	28 August 1864.	
,,	H. ,, ,, ,,	2	1	..	..	4 & 7 September 1864.	
Royal Artillery -	6 room B. pass. - - -	1	1	..	..	28 July 1864.	
9th Brigade R.A.	2 room down stairs Artil. bks.	2	1	..	..	24 January 1865.	
,,	2 ,, B. pass. R. A. Md. Qrs.	2	..	..	..	14 & 21 November 1864.	
,,	3 ,, ,, ,, -	1	..	..	..	21 January 1865.	
,,	7 & 8 ,, ,, -	1	..	..	..	19 August 1864.	
,,	3 ,, C. ,, ,, -	2	..	..	..	21 Jan. & 21 Feb. 1865.	
,,	4 ,, B. ,, ,, -	1	..	..	..	23 January 1865.	
Infantry.							
1/13th Regiment	1 room C. pass. W. inf. bks.	..	..	1	..		
,,	1 ,, F. ,, ,, -	..	..	1	..		
,,	1 & 3 rooms G. pass ,, -	1	..	..	..	6 May 1865.	
,,	2 room F. pass. ,, -	1	..	..	..	26 May 1865.	
,,	5 ,, A. ,, ,, -	1	..	..	..	3 May 1865.	
,,	6 & 7 rooms G. pass. ,, -	1	..	..	..	7 May 1865.	
,,	8 room G. pass. ,, -	2	..	..	..	27 April & 1 May 1865.	
1/14th Regiment	1 ,, B. ,, E. inf. bks.	..	..	1	..		
,,	3 ,, F. ,, ,, -	2	..	..	..	14 September 1864 & 12 May 1865.	
,,	5 ,, C. ,, ,, -	1	..	..	..	19 May 1865.	
,,	7 ,, F. ,, ,, -	..	..	1	..		
,,	7 & 8 rooms B. pass. ,, -	1	..	..	..	1 October 1864.	
,,	7 & 8 ,, D. ,, -	2	..	..	..	13 Sept. & 1 Oct. 1864.	
62nd Regiment -	1 & 2 ,, E. ,, Md. Qrs. centre inf. bks. -	1	..	..	..	30 April 1865.	
,,	1 & 2 rooms F. pass. ,, -	..	..	1	..		
,,	2 room D. ,, ,, -	..	..	1	..		
,,	3 ,, B. ,, ,, -	1	..	..	..	6 May 1865.	
,,	4 ,, A. ,, ,, -	1	..	..	..	28 August 1864 - -	A woman.
,,	4 ,, D. ,, ,, -	..	..	1	..		
,,	4 ,, F. ,, ,, -	..	..	2	..		
,,	4 ,, G. ,, ,, -	1	..	..	..	29 April 1865.	
,,	6 & 7 rooms E. pass. ,, -	2	..	..	..	30 April & 29 May 1865.	
,,	7 room G. ,, ,, -	1	..	..	..	19 May 1865.	
,,	7 & 8 rooms C. ,, ,, -	..	..	1	..		
,,	6 room ,, ,, ,, -	1	..	..	..	22 April 1865.	
,,	E. pass. ,, -	1	..	..	..	19 April 1865.	
	Totals - -	49	7	11	..		

TABLE 17.—Showing the Number of Cases and Deaths from Scarlet Fever and Measles in *Temporary Camps* (Families tented out), *Hospitals*, *Canteens*, and *Schools*.

Nature of Accommodation and Corps in Occupation.	Room, &c.	Scarlet Fever.		Measles.		Date of first and last Attack of Scarlet Fever.	Remarks.
		Cases.	Deaths.	Cases.	Deaths.		
Temporary Camps. Families tented out.							
Royal Artillery -	Tents "Redan Hill" Encampnt	.	.	1	.		
Military Train -	„ "Iron Church Camp"	5	.	.	.	7 & 23 June 1865.	
1/13th Regiment	„ "Windy Gap Hill" -	6	1	.	.	9 & 21 May 1865.	
62nd Regiment -	„ „ -	5	.	.	.	18 May & 1 June 1865.	
1/14th Regiment	„ "Cove Common" -	2	.	.	.	19 June 1865.	
21st Regiment -	„ "Jersey Cottage" -	1	.	.	.	16 June 1865.	
Hospitals.							
Roy. Horse Artill.	Children's Hospital - -	1	.	.	.	19 January 1865.	
2nd Dragoons -	6 Ward Union hospital -	1	.	.	.	7 January 1865 - -	A man.
1/14th Regiment	Hospital hut V. lines S. Camp	1	.	.	.	28 August 1864 - -	A man.
1/21st Regiment	Women's hospital - -	1	.	.	.	17 April 1865 - -	A woman.
59th Regiment -	„ - -	1	1	.	.	8 March 1865.	
62nd Regiment -	„ - -	1	.	.	.	26 March 1865.	
Canteens.							
Not known -	Hospital canteen V. lines S. Camp.	1	.	.	.	18 June 1864.	
62nd Regiment -	Canteen centre block - -	2	.	.	.	9 March & 23 May 1865	1, a woman.
92nd Regiment -	B. canteen S. Camp - -	3	.	.	.	4 & 14 May 1865.	
Schools.							
Not known	School room T. lines S. Camp	.	.	1	.		
„ -	„ centre blocks -	.	.	1	.		
	Totals - - -	31	2	3	.		

TABLE 18.—Showing the Number of Cases and Deaths from Scarlet Fever and Measles in *Miscellaneous Classes of Accommodation*.

Corps in Occupation.	Room, &c.	Scarlet Fever.		Measles.		Date of first and last Attack of Scarlet Fever.	Remarks.
		Cases.	Deaths.	Cases.	Deaths.		
Roy. Horse Artill.	"New Town" (out of bks.)	1	..	..	..	1 September 1864.	
Roy. Engineers -	Telegraph hut Q. lines S. cp.	1	..	2	..	12 May 1865.	
1st Dragoons -	"Out of Barracks" - - -	1	..	..	..	14 August 1864.	
14th Hussars -	4, Westbourne Terrace -	1	..	..	..	18 May 1865.	
Mily. Train -	Anderson's Cottage - -	1	..	..	..	14 June 1865.	
„ -	Waterloo Road - - -	1	..	..	..	15 June 1865.	
1/13th Regiment	Winchester Villa, Victoria Rd.	2	..	..	..	21 April 1865.	
62nd „ -	62, Westbourne Terrace -	1	..	..	..	21 May 1865.	
75th „ -	"Hut not known" - -	..	..	1	..		
85th „ -	Govt. House, "New Town"	..	..	1	..		
Store Department	1, Victoria Road - -	1	..	1	..	27 June 1865.	
Barrack „ -	1 hut rear of bk. stores, S. Camp - - -	2	..	..	..	2 May 1864 & 14 June 1865.	1, a woman.
„ „ -	2 „ „ „ „ „	1	..	..	..	5 May 1865.	
„ „ -	1 „ (Bk. Sergts.) near Pavilion Hotel - - -	1	..	..	..	17 July 1864.	
Not known -	Officers' Mess Kitchen, S. lines, S. Camp - -	1	..	..	..	20 May 1864.	
„ -	2 Servant's Kitchen, V. lines S. Camp - - -	1	..	..	..	14 July 1864.	
„ -	Cottage (Engineers') near Pavilion Hotel - -	1	..	..	..	24 May 1864.	
„ -	Villa in Victoria Road -	1	1	..	..	7 July 1864.	
Civilian - -	Govt. House, "New Town"	..	..	1	..		
	Totals - -	18	1	6	..		

TABLE 19.—Of the Dates and Intervals in Days between consecutive Attacks occurring among the first 55 Cases of Scarlet Fever in Aldershot Camp.

Nature of Accommodation.	Total Cases.	Succession of Cases.	Dates of Cases.	Intervals between Cases in Days.
Married quarters, W. cavalry barracks, 16 room.	2	1st	12 May 1864.	..
		2nd	18 „ „	6
North Camp.				
No. 20 hut, L. lines -	2	1st	3 July 1864.	..
		2nd	5 „ „	2
South Camp.				
No. 37 hut, F. lines -	2	1st	3 Dec. 1863	Same day.
		2nd		
„ 22 „ N. „ -	2	1st	21 June 1864.	..
		2nd	11 July 1864	20
„ 22 „ R. „ -	3	1st	8 July 1864.	..
		2nd	23 „ „	15
		3rd	29 „ „	6
„ 3 „ S. „ -	2	1st	20 May 1864.	..
		2nd	21 „ „	1
„ 2 „ X. „ -	3	1st	21 May 1864.	..
		2nd	30 June 1864	40
		3rd	7 July 1864	7
„ 3 „ „ „ -	2	1st	21 June 1864.	..
		2nd	7 July 1864	16
F. O. Qr. R. „ -	2	1st	23 June 1864.	..
		2nd	1 July 1864	8
Officer's hut, R. „ -	4	1st		
		2nd	4 May 1864.	..
		3rd		
		4th	6 „ „	2
2 Officer's hut, S. lines -	2	1st	24 June 1864.	..
		2nd	7 July 1864	13

TABLE 20.—Showing the total Number of Cases of Scarlet Fever which occurred in all Classes of Married Accommodation at Aldershot between October 23rd, 1863, and June 30th, 1865, together with the Numbers of Huts and Rooms which yielded single and multiple Cases of the Disease.

Cases per Hut or Room.	One.			Two.			Three.			Four.			Five.			Six.			Seven.			Twelve.		
	Huts or Rooms.	Cases.	Deaths.	Huts or Rooms.	Cases.	Deaths.	Huts or Rooms.	Cases.	Deaths.	Huts or Rooms.	Cases.	Deaths.	Huts or Rooms.	Cases.	Deaths.	Huts or Rooms.	Cases.	Deaths.	Huts or Rooms	Cases.	Deaths.	Huts or Rooms.	Cases.	Deaths.
Huts, North Camp - -	22	22	6	3	6	2	1	3	1	1	4	1	.	.	.	.	.	.	.	.	.	.	.	.
Huts, South Camp - -	30	30	6	8	16	2	5	15	3	1	4	.	1	5	.	2	12	4	2	14	1	.	.	.
Permanent barrack rooms -	33	33	8	6	12	5	3	9	2	1	4	1	1	5	2	.	.	.	.	.	.	1	12	3
Permanent married quarters -	26	26	2	12	24	5	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.
Officers' quarters - -	.	.	.	3	6	2	.	.	.	2	8	1	.	.	.	.	.	.	1	7	.	.	.	.
Miscellaneous - - -	14	14	1	2	4	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.
N. C. O.'s quarters - -	2	2	.	1	2	.	1	3	3	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.
Total - -	127	127	23	35	70	16	10	30	9	5	20	3	2	10	2	2	12	4	3	21	1	1	12	3

TABLE 21.—Showing the Number of Rooms and Huts in which there were single and multiple simultaneous Attacks of Scarlet Fever.

With no more than one Case per Room or Hut.		Two simultaneous Cases.		Three simultaneous Cases.		Four simultaneous Cases.	
Rooms or Huts.	Total Cases.	Rooms or Huts.	Total Cases.	Rooms or Huts.	Total Cases.	Rooms or Huts.	Total Cases.
127	127	14	28	6	18	3	12

TABLE 22.—Showing the Number of Days intervening between consecutive Cases of Scarlet Fever in the same Room or Hut in the various Classes of Married Quarters at Aldershot.

Nature of Accommodation.	Total Cases.	Succession of Cases.	Dates of Cases.	Intervals between Cases in Days.
North Camp.				
No. 2 hut, B. lines - - -	2	1st	18 November 1864.	
		2nd	30 May 1865	193
„ 1 „ C. „ - - -	4	1st		
		2nd	31 October 1864	Same day.
		3rd		
		4th		
„ 31 „ H. „ - -	2	1st	17 October 1864.	
		2nd	13 January 1865	88
„ 20 „ L. „ - -	2	1st	3 July 1864.	
		2nd	5 „ „	2
„ 40 „ M. „ - - -	3	1st	20 November 1864.	
		2nd	23 November 1864	3
		3rd	5 December 1864	12
South Camp.				
„ 4 hut, E. lines - -	2	1st	13 November 1864	Same day.
		2nd		
„ 10 „ „ - - -	2	1st	6 September 1864	
		2nd	21 „ „	15
„ 12 „ „ - -	7	1st	4 „ „	
		2nd		
		3rd	5 „ „	1
		4th		
		5th	6 „ „	1
		6th	9 October 1864	33
		7th	13 „ „	4
„ 15 „ „ -	3	1st	5 September 1864.	
		2nd	10 „ „	5
		3rd	12 October 1864	32
„ 18 „ „ - - -	4	1st	27 August 1864.	
		2nd	13 October 1864	47
		3rd	10 November 1864	28
		4th	19 January 1865	70
„ 19 „ „ - - -	2	1st	25 August 1864	Same day.
		2nd		
„ 20 „ „ - - -	6	1st		
		2nd	30 „ „	Same day.
		3rd		
		4th	2 September 1864	3
		5th	4 „ „	2
		6th	31 October 1864	57
„ 37 „ F. „ - - -	2	1st	3 December 1863	Same day.
		2nd		
„ 20 „ N. „ - - -	3	1st	15 April 1865.	
		2nd	4 May 1865	19
		3rd	7 „ „	3
„ 22 „ „ - - -	2	1st	21 June 1864.	
		2nd	11 July 1864	20
„ 8 „ O. „ - - -	2	1st	13 May 1865.	
		2nd	14 June 1865	32
„ 22 „ R. „ - - -	3	1st	8 July 1864.	
		2nd	23 „ „	15
		3rd	29 „ „	6
„ 31 „ „ - - -	7	1st		
		2nd	24 May 1865.	
		3rd		
		4th		
		5th	25 „ „	1
		6th		
		7th	26 „ „	1
„ 3 „ S. „ - - -	2	1st	20 „ 1864.	
		2nd	21 „ „	1
„ 2 „ X. „ - - -	3	1st	21 „ „	
		2nd	30 June 1864	40
		3rd	7 July 1864	7
„ 3 „ „ - - -	3	1st	21 June 1864.	
		2nd	7 July 1864	16
		3rd	23 June 1865	351
„ 5 „ „ - - -	6	1st	30 June 1864.	
		2nd	27 April 1865	301

TABLE 22—*continued.*

Nature of Accommodation.	Total Cases.	Succession of Cases.	Dates of Cases.	Intervals between Cases in Days.
South Camp—continued.				
No. 5 hut, X. lines - - -		3rd 4th	8 May 1865	11
		5th	15 „ „	7
		6th	21 „ „	6
„ 12 „ Y. lines - -	2	1st 2nd	20 February 1865	Same day.
„ 21 „ „ - -	5	1st 2nd 3rd 4th	12 December 1864	Same day.
		5th	5 January 1865	24
Permanent Barrack Rooms.				
„ 6 barrack room, S. cavalry barracks -	2	1st	13 April 1864.	
		2nd	29 March 1865	351
„ 6 barrack room, W. cavalry barracks -	4	1st	18 August 1864.	
		2nd	6 September 1864	19
		3rd	18 „ „	12
		4th	29 November 1864	72
„ 5 room „ „ -	3	1st	29 „ „	
		2nd	1 December 1864	2
		3rd	29 „ „	28
„ 32 „ E. infantry - - -	2	1st	1 October 1864.	
		2nd	4 „ „	3
„ 33 „ „ - - -	2	1st	28 August 1864.	
		2nd	2 September 1864	5
„ 5 barrack room, artillery bks., up stairs	5	1st 2nd	9 August 1864	Same day.
		3rd 4th	11 „ „	2
		5th	27 „ „	16
„ 5 „ „ down stairs	2	1st 2nd	7 August 1864	Same day.
„ 2 „ „ up stairs	2	1st	22 January 1865.	
		2nd	21 February 1865	30
„ 7 „ „ „ -	2	1st	19 „ „	
		2nd	22 „ „	3
„ 30 bk. room, centre inf. bks. down stairs	3	1st 2nd 3rd	30 December 1864	Same day.
„ 31 „ „ „	12	1st	23 November 1864.	
		2nd	12 December 1864	19
		3rd	28 „ „	16
		4th	30 „ „	2
		5th 6th 7th	1 January 1865	2
		8th 9th 10th	11 „ „	10
		11th	18 „ „	7
		12th	30 „ „	12
„ 55 room, E. infantry barracks - -	3	1st	3 May 1865.	
		2nd	13 „ „	10
		3rd	21 „ „	8
Permanent Married Quarters.				
„ 8 room, G. passage, west block -	2	1st	27 April 1865.	
		2nd	1 May 1865	4
„ 3 „ F. pass. inf. bks. down stairs	2	1st	14 September 1864.	
		2nd	12 May 1865	240
„ 7 & 8 D. passage, up stairs - -	2	1st	13 September 1864.	
		2nd	1 October 1864	18
„ 6 & 7 E. passage, centre inf. bks. -	2	1st	30 April 1865.	
		2nd	29 May 1865	29
„ 16 room, cavalry barracks - -	2	1st	12 May 1864.	
		2nd	18 „ „	6
„ 1 „ S. cavalry barracks - -	2	1st 2nd	7 April 1865	Same day.
„ 6 „ „ „ „ up stairs	2	1st	14 October 1864.	
		2nd	27 „ „	13

TABLE 22—*continued.*

Nature of Accommodation.	Total Cases.	Succession of Cases.	Dates of Cases.	Intervals between Cases in Days.
Permanent Married Quarters—continued.				
No. 17 room, W. cavalry bks., down stairs	2	1st	2 December 1864.	
		2nd	27 „ „	25
H. passage, artillery barracks	2	1st	4 September 1864.	
		2nd	7 „ „	3
„ 2 „ artillery barracks, down stairs	2	1st 2nd	24 January 1865	Same day.
„ 2 „ „ „ B. passage	2	1st	14 November 1864.	
		2nd	21 „ „	7
„ 3 „ „ „ C. „	2	1st	21 January 1865.	
		2nd	21 February 1865	31
Officers' Quarters.				
F. O. Qrs., V. lines, S. Camp	2	1st	1 April 1865.	
		2nd	7 „ „	6
Staff quarters, Q. lines -	4	1st	29 March 1865.	
		2nd	2 April 1865	4
		3rd	14 „ „	12
		4th	15 „ „	1
„ 3 „ Staff qrs., cavalry barracks -	2	1st 2nd	28 February 1865	Same day.
Officer's hut, R. lines, S. Camp	4	1st 2nd 3rd	4 May 1864	Same day.
		4th	6 „ „	2
Field officers' quarters „ -	2	1st	23 June 1864.	
		2nd	1 July 1864	8
„ 2 „ Officer's hut, S. lines, „ -	2	1st	24 June 1864.	
		2nd	7 July 1864	13
„ 2 „ Staff qrs., W. infantry barracks	7	1st	1 March 1865.	
		2nd	2 „ „	1
		3rd 4th	3 „ „	1
		5th	6 May 1865	64
		6th	10 „ „	4
		7th	16 „ „	6
Non-Commissioned Officers' Quarters.				
Stewards' qrs. new hospital hut	3	1st	15 August 1864.	
		2nd	24 „ „	9
		3rd	26 April 1865	245
Miscellaneous.				
Winchester villa - -	2	1st 2nd	21 April 1865	Same day.
„ 1 hut, rear of barrack stores, S. Camp	2	1st	2 May 1864.	
		2nd	14 June 1865	408

TABLE 23.—Showing Intervals between successive Attacks of Scarlet Fever in the same Hut or Room.

Interval in Days between consecutive Attacks.	Number of Instances.	Number of Cases.	Remarks.	Interval in Days between consecutive Attacks.	Number of Instances.	Number of Cases.
1	8	12		28	2	2
2	7	10		29	1	1
3	6	6		30	1	1
4	4	4		31	1	1
5	2	2		32	2	2
6	5	5		33	1	1
7	4	4		40	1	1
8	2	2		47	1	1
9	1	1		57	1	1
10	2	4		64	1	1
11	2	3		70	1	1
12	4	4		72	1	1
13	2	2		88	1	1
15	2	2		193	1	1
16	3	3		240	1	1
18	1	1		245	1	1
19	3	3		301	1	1
20	1	1		351	2	2
24	1	1		409	1	1
25	1	1				

TABLE 24.—Showing Dates and Localities of Cases of Measles at Aldershot.

Date.	Hut or Room attacked.	Measles.	
		Cases.	Deaths.
1865.			
Feb. 2	13 hut, M. lines, S. Camp	1	..
„ 13	18 „ „ „	1	..
„ 16	15 „ „ „	1	..
„ 17	5 „ S. „ „	3	1
„ 18	16 „ M. „ „	1	1
„ 19	5 „ S. „ „	2	2
„ 27	19 „ M. „ „	1	1
„ 28	19 „ „ „	1	1
March 3	21 „ H. „ „	1	1
„ 11	21 „ „ „	1	..
„ 12	21 „ Z. „ „	1	..
„ 18	Government House, New Town	1	..
„ 21	21 hut, H. lines, S. Camp	1	..
„ 21	7 „ O. „ „	1	..
„ 22	21 „ H. „ „	1	..
„ 22	15 barrack room, east, infantry barracks	1	..
„ 27	9 „ artillery barracks	1	..
„ 29	9 „ „	1	..
„ 29	"Hut, not known"	1	..
„ 31	7 barrack room, artillery barracks	1	..
April 1	„ „	1	..
„ 3	7 hut, O. lines, S. Camp	1	..
„ 3	3 „ „ „	1	..
„ 4	3 „ „ „	1	1
„ 4	3 „ F. „ „	2	..
„ 5	7 „ O. „ „	2	..
„ 6	1 „ D. „ „	1	..
„ 7	15 barrack room, E. block, infantry barracks	2	1
„ 8	52 „ „ „	1	..
„ 8	4 „ centre block	1	..
„ 8	Government House, New Town	1	..
„ 9	15 barrack room, E. block, infantry barracks	1	..
„ 11	Hospital Serjeants' quarters, V. lines, S. Camp	1	..
„ 11	31 hut, H. lines, S. Camp	1	..
„ 11	21 „ G. „ „	1	..
„ 13	52 barrack room, E. infantry barracks	1	..
„ 14	„ „	1	..
„ 14	7 „ artillery barracks	1	..

TABLE 24—*continued.*

Date.	Hut or Room attacked.	Measles.	
		Cases.	Deaths.
1865.			
April 15	3 hut, F. lines, S. Camp	1	..
„ 15	12 „ E. „ „	1	..
„ 15	9 „ E. „ „	2	..
„ 17	3 barrack room, centre, infantry barracks	1	..
„ 17	37 hut, I. lines, S. Camp	1	..
„ 18	8 barrack room, centre, infantry barracks	1	..
„ 18	1 hut, G. lines, S. Camp	1	..
„ 18	F. passage, M. S. quarters, W. infantry barracks	1	..
„ 19	1 room, B. passage, M. S. quarters, E. infantry barracks	1	..
„ 19	37 hut, I. lines, S. Camp	1	..
„ 19	1 „ K. „ „	1	..
„ 20	9 barrack room, artillery barracks	1	..
„ 20	15 „ E. infantry barracks	1	..
„ 21	1 hut, D. lines, S. Camp	1	..
„ 22	"Telegraph hut," Q. lines, S. Camp	1	..
„ 22	7 barrack room, artillery barracks	1	..
„ 22	8 hut, Q. lines, S. Camp	1	..
„ 22	4 room, D. passage, M. S. qrs., centre infantry barracks	1	..
„ 22	5 hut, X. lines, S. Camp	1	..
„ 22	2 room, Staff quarters, W. infantry barracks	1	..
„ 22	55 barrack room, E. infantry barracks	1	..
„ 22	2 room, D. passage, M. S. qrs., centre infantry barracks	1	..
„ 22	Telegraph hut, Q. lines, S. Camp	1	..
„ 23	1 room, C. passage, M. S. quarters, W. infantry barracks	1	..
„ 23	1 hut, K. lines, S. Camp	1	..
„ 23	4 room, F. passage, M. S. qrs., centre infantry barracks	1	..
„ 24	3 Officer's hut, S. lines, S. Camp	1	..
„ 24	2 room, A. passage, M. S. quarters, centre barracks	1	..
„ 25	7 & 8 room, C passage „ „	1	..
„ 27	7 room, F. passage, M. S. quarters, E. block	1	..
„ 30	1 & 2 rooms, F. pass., M. S. qrs., centre infantry barracks	1	..
„ 30	32 hut, C. lines, N. Camp	1	..
May 2	33 barrack room, E. infantry barracks	1	..
„ 2	3 Officer's hut, S. lines, S. Camp	1	..
„ 3	„ „	1	..
„ 4	55 barrack room, E. infantry barracks	1	..
„ 4	17 „ E. block	1	..
„ 4	3 Officer's hut, S. lines, S. Camp	1	..
„ 4	1 „ R. „	1	..
„ 8	41 barrack room, E. infantry barracks	1	..
„ 8	Tents, Redan Hill encampment	1	..
„ 8	4 room, F. passage, M. S. qrs., centre infantry barracks	1	..
„ 9	35 barrack room, W. block, infantry barracks	1	..
„ 9	1 „ artillery barracks	2	..
„ 9	39 „ E. infantry barracks	1	..
„ 15	17 „ „	1	..
„ 17	49 „ „	1	..
„ 18	37 hut, B. lines, & 24 hut, A. lines, S. Camp	1	..
„ 19	21 „ I. „ N. Camp	1	..
„ 19	30 barrack room, E. block, permanent barracks	1	..
„ 21	17 „ W. „ „	1	..
„ 30	1 Victoria Road	1	..
June 8	1 Officer's hut, T. lines, S. Camp	2	..
„ 9	Commander-in-Chief's hut	1	..
„ 10	R. E. hut, Avenue Road	1	..
„ 11	Military Stores	1	..
„ 14	R. E. hut, Avenue Road	1	..
„ 16	„ „	1	..
„ 20	1 Officer's hut, T. lines, S. Camp	4	..
„ 25	2 hut, L. lines, S. Camp	3	..
„ 25	School-room, T. lines, S. Camp	1	..
„ 25	„ centre block	1	..

TABLE 25.—Showing the Number of Rooms and Huts in which there were single and multiple Attacks of Measles.

Number of Rooms and Huts with no more than One Case of Measles per Room or Hut.	Rooms or Huts with more than One Case per Room or Hut.	
	Number of Rooms or Huts.	Number of Cases per Room or Hut.
43	12	2
	5	3
	4	4
	2	5
	1	6

TABLE 26.—Showing the Number of Rooms and Huts in which there were single and multiple simultaneous Attacks of Measles.

With no more than one Case per Room or Hut.		Two simultaneous Cases.		Three simultaneous Cases.		Four simultaneous Cases.	
Rooms or Huts.	Total Cases.	Rooms or Huts.	Total Cases.	Rooms or Huts.	Total Cases.	Rooms or Huts.	Total Cases.
43	43	8	16	2	6	1	4

TABLE 27.—Showing the Number of Days intervening between consecutive Cases of Measles in the same Room or Hut in the various Classes of Married Quarters at Aldershot.

Nature of Accommodation.	Total Cases.	Succession of Cases.	Dates of Cases.	Intervals between Cases in Days.
South Camp.				
1 hut, D. lines - - - - -	2	1st	6 April 1865.	
		2nd	21 „	15
9 „ E. „ - - - - -	2	1st	15 „	Same day.
		2nd		
3 „ F. „ - - - - -	3	1st	4 „	Same day.
		2nd		
		3rd	15 „	11
21 „ H. „ - - - - -	4	1st	3 March 1865.	
		2nd	11 „	8
		3rd	21 „	10
		4th	22 „	1
37 „ I. „ - - - - -	2	1st	17 April 1865.	
		2nd	19 „	2
1 „ K. „ - - - - -	2	1st	19 „	
		2nd	23 „	4
2 „ L. „ - - - - -	3	1st		
		2nd	25 June 1865.	Same day.
		3rd		
19 „ M. „ - - - - -	2	1st	27 February 1865.	
		2nd	28 „	1
3 „ O. „ - - - - -	2	1st	3 April 1865.	
		2nd	4 „	1
7 „ „ „ - - - - -	4	1st	21 March 1865.	
		2nd	3 April 1865	13
		3rd	5 „	2
		4th		
5 „ S. „ - - - - -	5	1st		
		2nd	17 February 1865	Same day.
		3rd		
		4th	19 „	2
		5th		

TABLE 27—*continued.*

Nature of Accommodation.	Total Cases.	Succession of Cases.	Dates of Cases.	Intervals between Cases in Days.
Permanent Barrack Rooms.				
1 room, artillery barracks - - -	2	1st 2nd	9 May 1865	Same day.
7 „ „ „ - - -	4	1st	31 March 1865.	
		2nd	1 April 1865	1
		3rd	14 „	13
		4th	22 „	8
9 „ „ „ - - -	3	1st	27 March 1865.	
		2nd	29 „	2
		3rd	20 April 1865	22
15 „ E. infantry barracks - -	5	1st	22 March 1865.	
		2nd 3rd	7 April 1865	16
		4th	9 „	2
		5th	20 „	11
17 „ „ „ - -	2	1st	4 May 1865.	
		2nd	15 „	11
52 „ „ „ - -	3	1st	8 April 1865.	
		2nd	13 „	5
		3rd	14 „	1
55 „ „ „ - -	2	1st	22 „	
		2nd	4 May 1865	12
Permanent Married Quarters.				
4 „ F. pass., centre infantry bks. -	2	1st	23 April 1865.	
		2nd	8 May 1865	15
Officers' Quarters.				
3 Officer's hut, S. lines, S. camp - -	4	1st	24 April 1865.	
		2nd	2 May 1865	8
		3rd	3 „	1
		4th	4 „	1
1 Officer's hut, T. lines, S. camp - -	6	1st 2nd	8 June 1865	Same day.
		3rd 4th 5th 6th	20 „	12
Miscellaneous.				
Government House, New Town - -	2	1st	18 March 1865.	
		2nd	8 April 1865	21
Telegraph hut, Q. lines, S. camp - -	2	1st 2nd	22 „	Same day.
R.E. hut, Avenue Road - - -	3	1st	10 June 1865.	
		2nd	14 „	4
		3rd	16 „	2

TABLE 28.—Showing Intervals between successive Attacks of Measles in the same Hut or Room.

Interval in Days between consecutive Attacks.	Number of Instances.	Number of Cases.
1	7	7
2	6	8
4	2	2
5	1	1
8	3	3
10	1	1
11	2	2
12	1	1
13	3	6
15	3	3
16	1	2
21	1	1
22	1	1

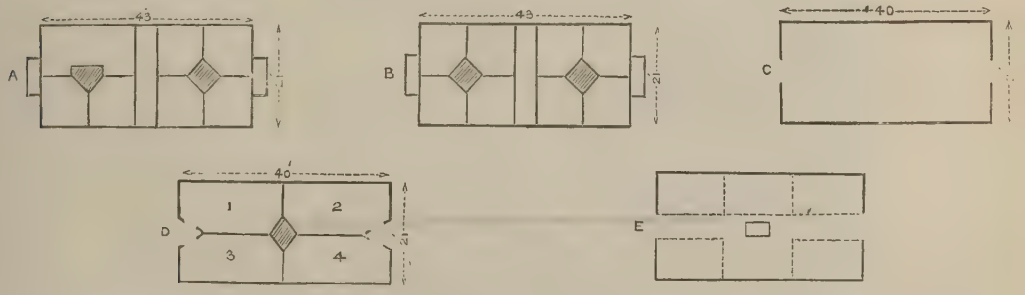
TABLE 29.—Showing Number of Rooms and Huts in which there were single and multiple First Attacks of Scarlet Fever.

Number of Rooms and Huts with no more than One Case of Scarlet Fever per Room or Hut.	Rooms with more than One Case per Room on the First Day when the Room or Hut, &c. was attacked.	
	Number of Rooms.	Number of Cases per Room.
127	10	2
	3	3
	3	4

TABLE 30.—Showing the Cubic Content and Superficial Area of the Huts at the S. Camp Aldershot affected with Scarlet Fever, furnished by Lieut.-Colonel G. Graham, Commanding Royal Engineer.

Aldershot, 19th April 1865.

Description of Hut.	Cubic Content.	Superficial Area.	No. of Occupants.
Reference:—	Feet.	Feet.	
A.—F.O. hut - Living room	1,415	185	
A.—F.O. hut - Bed room -	716	90	
B.—Officer's hut Living room	716	90	Usual quarters for a single officer.
B.—Officer's hut Bed room -	716	90	
C.—Soldiers' hut - - -	5,818	760	22 by construction.
D.—Married do. - - -	1,358	175	One family.
E.—Do. do. - - -	1,163	127	Do.



Reference A.—F.O. hut.
B.—Officers' hut.
C.—Soldiers' hut.
D.—Married soldiers' hut with brick chimney and wooden partitions.
E.—Married soldiers' hut with canvas curtains, and stove with hot plate.
1, 2, 3, 4, contain 1,358 cubic feet each.
„ „ 175 superficial area ditto.

TABLE 31.—Showing the average Strength, total Number of Deaths, and Rates per 1,000 of Men, Women, and Children stationed at Aldershot, from 1859 to 1864 inclusive, (furnished by Inspector-General of Hospitals, T. Ross Jameson, M.D.)

Aldershot, 20th May 1865.

Year.	Men.			Women.			Children.		
	Average annual Strength.	Total No. of Deaths.	Ratio per 1,000.	Average annual Strength.	Total No. of Deaths.	Ratio per 1,000.	Average annual Strength.	Total No. of Deaths.	Ratio per 1,000.
1859	16,112	81	5·02	1,166	9	7·71	1,509	47	31·14
1860	16,125	116	7·19	1,299	8	6·16	1,670	45	26·94
1861	12,627	94	7·44	1,340	10	7·46	1,494	74	49·53
1862	12,027	69	5·73	1,175	10	8·51	1,314	47	35·76
1863	11,982	72	6·00	1,236	10	8·09	1,507	41	27·20
1864	11,206	95	8·47	1,464	10	6·82	1,762	77	43·70

TABLE 32.—Showing the average Strength of the Troops, Number of Admissions and Deaths from all Causes, and from Scarlatina for each Year from 1859 to 1864 at Aldershot, (furnished by Inspector-General of Hospitals, T. Ross Jameson, M.D.)

Aldershot, 23rd April 1865.

Year.	Average Strength of the Troops each Year.	Admissions from *all* Causes for each Year.	Admissions from Scarlatina each Year.	Deaths from *all* Causes each Year.	Deaths from Scarlatina each Year.
1859	16,112	16,194	8	81	..
1860	16,125	14,634	26	116	..
1861	12,627	13,115	9	94	1
1862	12,027	11,901	2	69	..
1863	11,982	10,917	1	72	..
1864	11,206	10,728	32	95	1

LONDON:
Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty.
For Her Majesty's Stationery Office.

ALKALI ACT, 1863.

SECOND ANNUAL REPORT

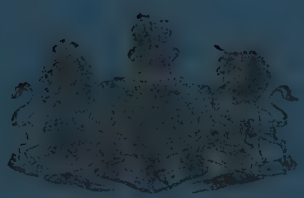
BY

THE INSPECTOR

OF THE

WORKINGS DURING THE YEAR 1865.

(Presented to both Houses of Parliament pursuant to Act 26 & 27 Vict. Cap. 124.)



LONDON:
PRINTED BY GEORGE E. EYRE AND WILLIAM SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.
FOR HER MAJESTY'S STATIONERY OFFICE.

1866.

CONTENTS.

	Page
Per-centage of condensation - - - - - -	3
Actual escape of Muriatic Acid during 24 hours in tons and per cent.	3
Improvements - - - - - - - -	5
Infringements of the Alkali Act - - - - - -	6
Condensing and Cooling Space in relation to the Amount of Work -	9
Particulars of the Condensation - - - - -	9
Some Statistics showing the Mode of Working and the Amount done-	12
Particulars relating to the Cooling and Condensing Apparatus -	14
Registered Alkali Works - - - - - -	20
Vapour from the roasted Saltcake - - - - -	21
Comparison of Results and Methods - - - - -	21

SECOND ANNUAL REPORT

BY

THE INSPECTOR

OF HIS

PROCEEDINGS DURING THE YEAR 1865.

TO THE LORDS OF THE COMMITTEE OF PRIVY COUNCIL FOR TRADE.

My Lords,

The first report of proceedings under the Alkali Act showed that the condensation of muriatic acid gas amounted to 98·72 per cent. over the kingdom, being equal to an escape of 1·28 per cent.

I have now the honour to report on the *Condensation of Muriatic Acid during the year* 1865.

Average of the Per-centages at each work.

District.	Condensation.	Escape.
1. Western - - - -	99·8721	0·1279
2. Middle - - - -	99·4861	0·5139
3. Eastern - - - -	98·0369	1·9631
4. Scotland and Ireland - -	98·3440	1·6560

The average condensation is 99·1111.

The average escape is 0·8889.

Allowing 0·2 for an error, the condensation will be 98·9111, the escape 1·0889.

Actual Escape of Muriatic Acid during 24 Hours in Tons and per Cent.

District.	Escape in Tons.	Per cent.
Western - - - -	0·5597	0·223
Middle - - - -	0·2958	0·3286
Eastern - - - -	3·9952	1·93
Scotland and Ireland - - -	0·7426	1·161
Total - - -	5·5933	—

Here we have in part different data for calculation: the number of tons of salt used are taken as a basis instead of the amount of gas actually evolved at the moment of trial, and we obtain results almost identical with those of the former table. As the amount actually driven off differs considerably at different times and works, the nearness of these results is satisfactory. It must be remembered, however, that the first table given is that by which it is needful to estimate the condensation according to the Act, as the gas actually evolved is expressly mentioned.

This has been calculated for the day, and not the week, as previously. The total escape per week will be above 30 tons of dry acid. Last year the amount given was 43 tons. It ought to have been said at the same time that this is equal to rather more than three times that weight of liquid acid as sold.

There has been, therefore, a gain of 0·3911 per cent. since last reported.

Although this number is small, it may be well to remember that it is a considerable amount of the total escape, and it is not probable that more will be gained next time, although I think we may expect the total escape to be reduced to at most 0·5 or half a per cent.

When stated as a per-centage, the amount escaping appears small; when stated in tons it has another aspect. In rough numbers we may say 500 tons of gas are evolved per day, and of this five tons escape, or one per cent.

On page 12 of the first report it was said that the results might be attributed in a great measure to the exertions made in order to show that the Act was carried out effectively the first year, and that for this reason all the apparatus was in the best order, whereas it might be difficult to continue in a condition equally pleasing. It is true that several works marked as sending out one tenth of a per cent. only, have since that time somewhat increased the amount, and several show numbers which might readily be diminished, but considerable improvement has taken place, and that which was done with difficulty at first is now, I believe, done better and with ease.

The past year has been occupied chiefly in re-examining the processes adopted, and in repairing and amending the places which required attention. There has been no very new device found, but it was felt needful to review carefully the work of the first year, and to endeavour to make permanent that which might readily have been very transitory.

Note.—In my first report I inserted an extract from a letter received from Mr. Shanks, on the subject of the first introduction of condensing towers. From conversation with Mr. Gossage I was led to the conclusion that the success of these had been as much owing to the practical skill of Mr. Shanks as to his own ideas. Mr. Shanks informed me that my conclusion was erroneous, inasmuch as he was acting under Mr. Gossage's instructions during the whole time he was employed in the erection of condensers in accordance with Mr. Gossage's invention; and further, that Mr. Gossage had erected condensers, and had them in practical and successful working previously to Mr. Shanks taking an engagement with him in 1836.

If I had quoted the whole of Mr. Shanks' letter, these facts would have been obvious, and the relation between these two practical chemists in connexion with the perfect condensation of muriatic acid would have been understood.

During the rather violent exertions of the first year questions often arose difficult to answer; time has enabled myself and colleagues to become more familiar with all the operations.

A question may be repeated here, such as I have frequently asked myself—How great is the probable error in these numbers? I think it may amount to one fifth (0·2) of a per cent. making the whole escape to be about 1·1. A few of the towers have been so difficult of access that they may have had less attention as yet; however, I think the error will not be greater than stated.

Improvements.

We find that the amount of condensation in the Eastern District is slightly increased, but the amount of change is very small when shown in numbers, viz., 2·060 in 1864, and 1·9631 in 1865.

The actual improvement is greater than this; the condition mentioned in the previous report was difficult to maintain; the additions lately made render the maintenance easier, although not by any means so easy as is desirable. The following changes may be enumerated as steps in advance chiefly in this district:—

At No. 50. The muriatic acid passed into the separate pan condenser.

No. 56. Causing the water to meet the gas in the second condenser, instead of going down along with it.

No. 57. Making the gas pass through a third shaft, and making use of the condensers finished last February.

No. 59. Adding 162 cubic feet of condensing space to roasters.

No. 61. Adding 288 cubic feet of condensing space to roaster and condenser and a cooling shaft.

No. 62. Adding 3,170 cubic feet of condensing space, and by replacing an old condenser with a new one.

No. 64. Adding 462 cubic feet of condensing space to the roaster.

No. 66. The addition of two condensers, together equal to 1,386 cubic feet.

No. 68. Adding 384 cubic feet of condensing space, and additional supply of water.

No. 55. Converting their open roaster into a close one and adding cooling space.

No. 67. Adding a small condenser of 288 cubic feet to one of the condensers.

No. 70. Adding 656 cubic feet of condensing space to the new roaster condenser.

No. 53. Causing the water to meet the acid in the second tower. This gives also more cooling space.

No. 52. Ceasing to use the old works and making new.

At No. 20 new condensers were built, and at No. 83, the cooling space has been very much lengthened, whilst a new condenser is in progress, and so on.

Infringements of the Alkali Act.

There has been no prosecution under this Act, and it may be asked why? Surely the change cannot be so complete that not one offence has been committed by one careless person in the whole course of two years. During the first year of course it is unnecessary to speak, but during the second the escape of 5 per cent. of the acid has been rare, and only in cases where it seemed to me right not to prosecute. The greatest amount of escape happened in the work No. 63, where in two of the furnaces it rose to 15 per cent. As soon as the proprietors were informed of this state of things alterations were made, when experiment proved the escape to be reduced to 10. Fresh alterations were made, and the amount of work diminished, when the escape fell down to 5·8 per cent. I have allowed the number to remain at 5·8, but not the escape, and I am informed that fresh alterations are to commence instantly.*

Another escape, of 10 per cent., occurred at No. 57; this was managed in the same way, and was reduced to 1·3 per cent.

Work No. 20 was found on trial to be allowing an escape of 3½ per cent.; but there were very many, and as it seemed to me, from the appearance of the vegetation around, well founded complaints. It seemed clear either that 3½ per cent. was sufficient to damage trees when much exposed, or the escape was occasionally much greater than this amount. Still there were no sufficient data for a prosecution under the Alkali Act, although the work was examined both by night and day; but the proprietors, having considered the case, determined to remove all doubts and to condense in a complete manner. Having an open furnace, they considered it best to adopt Mr. Clapham's plan of sending the weak acid up to the top of the tower, so as to let it act a second time.

The escape, after completing the new tower and other arrangements, is 0·23 per cent.

Two works of the smaller kind, Nos. 2 and 3, gave a good deal of uneasiness, because, although not found to be infringing the Act, they were at least very nearly doing so on some occasions, and the apparent imperfection of the apparatus induced suspicions. As they stood together in the middle of a large town, it was of importance that they should be still more careful than usual, as where one might scarcely be observed two might be very injurious. The owners looked on the subject in this light, and entirely remodelled their condensing apparatus.

Two works, No. 22 and No. 77, not having proper apparatus for condensing the gas from the roasters, were requested to give up that process until the arrangements were made. They have not yet resumed roasting. The amount of alkali made at these works was trifling. They are the only instances in which this Act has interfered to such an extent, and it happened to be of little consequence to the owners of the works, as the making of alkali formed only a small part of their manufacture.

No. 57 was giving out 5 to 6 per cent. of gas, and when informed

---

* These have been made, and the escape reduced to 3·3.

of this a new foreman was obtained, who was expected to give the subject more attention. Nevertheless it was again an offender, and it was needful to diminish the amount of work done or to make alterations. The first plan was adopted for the moment. Works like this, which are on the borders of infringement, require much more attention; soon, however, it will be seen that for the comfort of the owners themselves it is better to have a little excess of condensing space to allow for accidents.

Whilst writing I am informed that No. 34, which has uniformly condensed so well that only about seven tenths of a per cent. escaped, has suddenly been found to give out 6·83 per cent. of acid. The apparatus is of course stopped; the cause is not known at present, but I give it as an example of the accidents which may occur, I believe, innocently. Let us suppose one cause. It is extremely difficult to avoid packing charcoal so that no collapse shall take place on any side. As the trouble of repacking is considerable, this ought to be well attended to. There are many other things equally important; any interruption or increase of the draught may derange the process.

An action for damages was brought against Mr. Cook, who has works on the Tyne. The judge said that no doubt there was evidence that during former years the defendants had paid damage, but after the passing of the Act and perfecting of their apparatus they declined doing so any longer. The judgment was that there was no escape from these works, and the injury proceeded from other causes.

An action was brought against Messrs. Chance for damaging property belonging to Mr. Powell at Oldbury.

This action caused myself and Dr. Hobson much anxiety, as it was evident, from the appearance of gardens around, that an occasional escape of deleterious gas did take place from some work in or near Oldbury. The examination of Messrs. Chance's premises was made frequently, and inquiries the most searching which we could devise were instituted. It was said that the gas came from a small chimney. On examination it was found that this chimney had no communication with the alkali department. It was then said that the gas came from the tall chimney. The self-acting apparatus was set in motion, and after working several days and nights it was clearly shown that the gas was not to be found there. It was then said to escape from the bottom of the towers, but on examination this was clearly impossible for want of openings. The tops of the towers were then blamed; but they are covered, and any gas that might arrive there is of necessity taken down by the draught of the chimney. It was mentioned in the former report that these works have very careful condensing arrangements. There are small chambers through which all the air passes after the gas has been condensed from it. The fact that one may remain unhurt and even at ease in these chambers is sufficient proof that the condensation is remarkably good. It is true that there is a vapour rising from a part of the works occasionally when the charges of salt cake are drawn. This happens in every alkali work. The roasting does not drive off the last trace unless an inconveniently long time is given; the cake is brought out smoking, and is left to cool.

I have again tried to find the amount escaping in this way; the first trial was mentioned in the former report; but the amount was too small to be distinctly ascertained. It is never perceptible to me above a few yards from the works. In the case of Messrs. Chance's there was in reality no muriatic acid escaping in this way. The white vapour usually seen over the burners of salt cake was found to be sulphuric acid, as a little excess of that was used, leaving no muriatic acid in the cake, a somewhat unusual mode. This white vapour may be removed, although it is not for me to do more than suggest a method of doing so in such cases where it may become offensive. It is spoken of under the head of "vapour from the roasted salt cake."

After many more investigations into the state of Messrs. Chance's works, carried on until we began to think that if we were not then exceeding the powers which the Act gives, we might be considered as using them to the utmost, we came to the conclusion that the condensation of muriatic acid at Messrs. Chance's was actually as it appeared to be.

The care taken may be called greater than in any other work, and the result is at least equal and more easily proved.

The action brought against them by Mr. Powell was lost. It was unfortunate that Mr. Powell chose to attack a point so carefully defended, and to prove an escape where the greatest care had been used to prevent one. It was clear enough that there were reasonable causes of complaint in the neighbourhood, and these a person living for a while in the place would easily discover. The acidity of the rain was used as an argument. But this is not sufficient; I showed some years ago that the rain water of great coal burning towns is very acid, and that about a thousand tons of vitriol are showered down on Manchester yearly.

These are all the cases of complaints worth mentioning made either by myself and colleagues, or by the neighbours around alkali works. Of course I do not allude to the innumerable consultations on trifling but useful changes or subjects relating to the mode of keeping apparatus in order and repairing it. I do not allude either to complaints relating evidently to gases not included in the Alkali Act, and which are frequently made under a mistaken impression.

These latter are the principal difficulties with which I have been obliged to contend. It is not for myself and colleagues to become general accusers, and we do not think it proper to point out the offence even when it is known to us, unless we find muriatic acid.

A strange result therefore takes place; we become defenders of the alkali works, and appear also to defend the right of sending out 5 per cent. of gas; whereas the case is merely this: we cannot publicly object until that amount is attained. We very unwillingly appear to be defending the escape of any gases, and report this that those who are concerned may have no misconception on the point.*

* Since this was written rather more escape seems to be taking place. I fear the increased amount of business has induced carelessness.

Condensing and Cooling Space in relation to the Amount of Work.

The gas is led to the condensers through tubes or flues and sometimes through stone tanks; by these means it is cooled and prepared for condensation. In some cases these pipes or tubes are very long. It is interesting to know the amount of the cooling space compared with the effectiveness of the apparatus.

District.	Salt used in 24 hours.	Cooling space.	Condensing space.
	Cwts.	Cub. feet.	Cub. feet.
1. Western - -	8,701	17,928	180,185
2. Midland - -	2,712	19,878	72,748
3. Eastern - -	7,153	40,931	142,819
4. Northern - -	2,217	54,544	35,667

This gives

District.	Cooling space for every cwt. of salt used in 24 hours.	Condensing space for every cwt. of salt in 24 hours.
	Cub. feet.	Cub. feet.
1. Western - - -	2·060	20·709
2. Midland - - -	7·330	29·240
3. Eastern - - -	5·772	19·966
4. Northern - - -	24·602	16·088

The habits of the districts differ, No. 3, with a greater cooling space than No. 1 and a nearly equal condensing space, has an inferior condensation, because the open roaster is used, the smoke and heated vapour passing through the condensers. The great excess of cooling space in No. 4 allows a smaller amount of condensing space.

For the purpose of this comparison the condensation of the fourth district may be taken to be as low as that of the second, as the escape from the condensers is very small.

The total escape in No. 4 is, however, comparatively large, on account of a peculiar process to which the Act does not seem distinctly to object.

Particulars of the Condensation.

Per-centage and actual amount of muriatic acid gas escaping.

Some of the works are left out. This was done in cases where cylinders are used and no roasting is done, and in one or two cases because the furnaces were not at work at the latest time of examination, perhaps a scarcely sufficient reason.

PARTICULARS OF THE CONDENSATION—*cont.*

Register Number.	Gas entering Condenser grains of HCl. per cub. ft.	Gas leaving Condenser grains of HCl. per cub. ft.	Gas entering Condenser grammes per cub. metre.	Gas leaving Condenser grammes per cub. metre.	Pan per cent. of Escape.	Roaster per cent. of Escape.	Total per cent. of Escape.	Cwts. of HCl. per day.
1	289	0	3274	0	0	0	0	0
2	234	·078	3337	1·113	—	—	·03	·00865
3	210	0	2995	0	—	—	0	0
4	498	0	7103	—	—	—	0	0
5	528	·009	7530	·128	—	—	·0017	·00129
6	550	0	7845	0	—	—	0	0
7	367	·026	5235	·37	—	—	·007	·02968
8								
9	492	·008	7018	·11	—	—	·0016	·07310
10	240	0	3423	0	—	—	0	0
11	530	·06	7560	·86	—	—	·01	·02677
12	220	·009	3137	·13	—	—	·004	·00830
13	251	·03	3580	·43	—	—	·01	·01038
14	59·5	·94	851	13·41	—	—	1·58	6·5639
15	76·9	1·09	1096	15·54	—	—	1·42	3·93283
16	—	0	—	0	—	—	0	0
17								
18	—	0	—	0	—	—	0	0
19	—	0	—	0	—	—	0	0
20	73·8	·23	1053	3·3	0	·23	·23	·47775
21	—	0	—	0	—	—	0	0
22	—	0	—	0	—	—	0	0
23	—	0	—	0	—	—	0	0
24								
25								
26	400	·04	5708	·57	—	—	·01	·06231
27	—	0	—	—	—	—	0	0
88	565·6	·063	8067	·9	—	—	·0011	·00114
89	164·9	·0363	2352	·52	—	—	·02	·02433
91	—	0	—	0	—	—	0	0
92								
45	—	0	—	0	—	—	0	0
30	—	0	—	0	—	—	0	0
43	—	0	—	0	—	—	0	0
33	106·72	0·60	245·45	1·38	—	—	0·56	0·29080
35	—	0	—	0	—	—	0	0
41	55·85	0·26	128·45	0·598	Together.		0·46	0·19110
28	—	0	—	0	—	—	0	0
42	39·83	0·48	91·60	1·104	Together.		1·20	0·41544
39	—	0	—	0	—	—	0	0
47	55·20	1·20	126·96	2·76	Together.		2·17	0·22538
34	67·07	0·31	154·26	0·713	Together.		0·46	0·19906
31	86·63	0·55	199·24	1·265	Together.		0·63	0·15267
49	158·74	0·76	365·10	1·748	Together.		0·47	1·25289
40	119·81	1·41	275·36	3·24	Together.		1·17	1·51220
32	107·30	0·51	246·79	1·173	Together.		0·47	0·61017
46	35·60	0·59	81·88	1·357	Together.		1·65	1·06629
48	—	0	—	0	—	—	0	0
90	—	0	—	0	—	—	0	0

PARTICULARS OF THE CONDENSATION—*cont.*

Register Number.	Gas entering Condenser grains of HCl. per cub. ft.	Gas leaving Condenser grains of HCl. per cub. ft.	Gas entering Condenser grammes per cub. metre.	Gas leaving Condenser grammes per cub. metre.	Pan per cent. of Escape.	Roaster per cent. of Escape.	Total per cent. of Escape.	Cwts. of HCl. per day.
51	10	1	22·9	2·2	0	10	3·3	18·27936
50	14·5	0·3	33·2	0·6	0	2·5	0·8	1·77254
56	3·2	0·3	7·3	0·6	0	9·4	3·1	6·43932
57	82	3	187·9	6·8	—	—	3·6	2·49264
52								
58	5·4	0·54	11	1·1	0	10	3·3	5·48380
60	—	—	—	—	—	—	0	0
59	5·4	0·5	11	1·1	0	10	3·3	2·28492
63	85·6	5	196·2	11·4	—	—	(1·8) (5·8)	19·4490
61	18·9	1·4	43·3	3·2	0	7·6	2·5	1·73100
62	15	0·6	34	1·3	—	—	4	2·76960
64	14·5	0·7	33·2	1·6	—	5	1·6	1·11707
53	27·2	0·3	62·3	0·6	0	1·1	0·3	0·20772
70	29·1	1·6	66·6	3·6	—	5·5	1·8	2·99116
67	7·9	0·5	17·4	1·1	—	6·3	2·1	11·34151
68	—	—	—	—	—	—	0	0
55	247	0·7	566	1·6	0	0·9	0·3	0·24926
71	7	0·1	16	0·2	0	1·4	0·4	0·55392
66	—	—	—	—	—	—	0	0
54	30	1	68·7	2·2	0	3·3	1·1	2·74190
79	323·8	0·55	822·11	1·2595	—	—	1·231* 0·168	10·84907
80	174·5	1·84	399·60	4·1136	—	—	1·05	1·81755
84	75	0·85	171·75	1·8365	—	—	1·13	0·33252
	102	10·67	233·58	24·43	—	—		
82	98·5	3·89	225·565	8·908	—	—	3·94	0·81841
72	92·4	8·1	201·596	18·549	—	8·76	2·19†	0·26536
73	127·5	1·28	291·975	2·9312	—	—	1·0	0·17310
83	335	0·14	767·15	0·3206	—	—	0·04	0·09232
81	80 20 100	2·5	229	5·725	—	—	2·5	0·50487

* 1,399.

† To obtain these results, I find it needful to use very short tubes for the passage of the gas to the absorbing solution. Even the exceptional use of long tubes, alluded to in the former report, is given up.

Some Statistics showing the mode of Working and the Amount done.

Some of the smaller works are left out.

Register Number.	Tons of Salt decomposed per week.	Number of decomposing Pans at work.	Cwts. of Salt per charge.	Number of charges in 24 hours in each Pan.	Cwts. of Salt decomposed in 24 hours.	Number of open Salt Cake Furnaces.	Number of close Salt Cake Furnaces.
1	67	2	8	14	224	0	2
2	15	1	10	5	50	0	1
3	11	1	6	6	36	0	1
4	116	2	10½	17	357	0	4
5	43	1	11	12	132	0	2
6	75	2	10½	12	252	0	3
7	220	7	7½	14	735	0	7
8							
9	258	6	11	12	792	0	6
10	180	3	9	20	540	0	6
11	150	4	14½	8	464	1	3
12	108	3	12	10	360	0	6
13	54	1	12	15	180	0	2
14	225	3	10	24	720	6	0
15	150	2	10	24	480	4	0
16	120	3	—	—	400	0	3
17							
18	225	5	15	10	750	0	5
19	45	1	15	10	150	0	1
20	117	2	12	15	360	4	0
21	2	2	3½	1	7	0	0
22	1	1	3½	1	3½	0	0
23	27	1	9	10	90	0	2
24							
25							
26	350	9	8	15	1080	0	9
27	35	1	9	13	117	0	1
88	54	2	15	6	180	0	2
89	68	2	10½	10	210	0	2
91	—	2	10	⅘	32	0	0
92							
32	63	2	6·25	18	225	2	0
46	32	1	1	16	112	1	0
48	8	Cylinder.	8·5	—	—	—	1
90	21	1	9·5	8	76	—	1
45	26	1	11	8	88	0	1
30	20	1	9	8	72	0	1
43	54	2	10	9	180	0	2
33	27	1	7·5	12	90	0	1
35	150	7	9	10	540	0	7
41	21·5	1	6	12	72	0	1
28	60	2	10	10	200	0	2
42	18	1	10	6	60	0	1
39	57	2	11	8	176	0	2
47	5·5	1	6	3 in 12	18 in 12	1	0

SOME STATISTICS SHOWING THE MODE OF WORKING—*cont.*

Register Number.	Tons of Salt decomposed per week.	Number of decomposing Pans at work.	Cwts. of Salt per charge.	Number of charges in 24 hours in each Pan.	Cwts. of Salt decomposed in 24 hours.	Number of open Salt Cake Furnaces.	Number of close Salt Cake Furnaces.
34	21	1	6·25	12	75	0	1
31	12	1	7	6 in 12	42 in 12	1	0
49	140	4	7	16	462	2	2
40	68	2	7	16	224	2	0
51	310	5	8	24	960	5	0
50	115	2	8	24	384	4	0
56	116	3	5	24	360	3	0
57	36	1	5	24	120	1	0
52							
58	86	2	6	24	288	2	0
60	36	1	5	24	120	1	0
59	36	1	5	24	120	1	0
63	263	5	8	24	960	5	0
61	36	1	5	24	120	1	0
62	340	5	10	24	1200	5	0
64	36	1	$5\frac{1}{2}$	22	121	1	0
53	36	1	5	24	120	1	0
70	86	2	6	24	288	2	0
67	240	6	$6\frac{1}{2}$	24	936	6	0
68	36	1	5	24	120	1	0
55	43	1	6	24	144	0	1
71	70	2	6	20	240	2	0
66	36	1	5	24	120	1	0
54	115	3	6	24	432	3	0
79	403	14	6	14 to 16	1344	0	16 14 at work.
80	105	3	10	10	300	0	3
84	$15\frac{1}{2}$	1	8·5	6	51	0	1
82	10 to 12	1	6	6	36	0	1
		Cylinders.		In 48 hours.	In 48 hours.		
72	$6\frac{6}{20}$	6	7	1	42	0	1(Roaster.)
73	9	1	5	6	30	0	1
83	120	4	10	10	400	0	5
81	10·5	1	5	7	35	0	1

The amount usually done in a day is given; that done per week is not necessarily an exact multiple of it.

The total amount of salt decomposed per week is 6,272 tons, say 315,000 tons per annum.

PARTICULARS RELATING TO THE

Register No.	Cooling Space in Pipes, Tanks, &c.	No. of Towers.	Condensing Towers. Dimensions. Sectional Area.	Dimensions. Height.	Material used for filling.	Cubic Contents in Feet.
	Cubic Feet.		Square Feet.	Feet.		
1	750	1	49	45	Coke.	4939
		3	$20\frac{1}{4}$	45	—	
2	200	1	$20\frac{1}{4}$	40	Coke.	810
3	1430	2	6	20	Coke.	240
4	0	2	36	60	Coke.	4320
5	75	2	35	34	Coke.	2380
6	600	2	49	42	Coke.	4116
7	350	7	30	60	Coke.	12600
8						
9	0	2	49	45	Coke.	7770
		2	56	30	—	
10	405	3	$45\frac{1}{2}$	36	Coke.	4914
11	700	1	$42\frac{1}{4}$	50	Coke	5122
		2	49	30	and	
		1	49	40	Brick.	
12	0	6	16	50	Coke.	4800
13	500	1	25	40	Coke.	1000
14	0	3	9	22	Brick.	4022
		4	16	16		
		7	16	22		
15	0	1	100	32	Brick.	3200
16	0	6	30	50	Coke.	9000
17						
18	800	3	25	40	Coke.	7320
		2	36	60		
19	200	1	25	30	Coke.	750
20	650	1	64	35	Coke.	6240
		2	25	80		
21	150	0	0	0	—	—
22	100	0	0	0	—	—
23	600	2	20	64	Coke.	2560
24						
25						
26	9064	4	16	55	Coke.	22720
		24	16	50		
27	954	2	25	55	Coke.	2750
88	112	1	36	$44\frac{1}{2}$	Coke.	1602
89	288	1	49	40	Coke.	1960
91			Sugar refinery. The muriatic acid passes			
92						
45	1615	2	42·25	44	Coke.	3718

COOLING AND CONDENSING APPARATUS—*cont.*

APPARATUS.

FLUSHING TOWERS.

No. of Towers.	Dimensions. Sectional Area.	Dimensions. Height.	Material used for filling.	Cubic Contents in Feet.	Total Condensing Space.
	Square Feet.	Feet.			Cubic Feet.
1	16	16	Coke.	818	5757
2	6¼	45	—		
1	9	40	Coke.	360	1170
2	4½	15	Coke.	135	375
1	36	60	Coke.	2160	6480
1	36	35	Coke.	1290	3670
1	49	42	Coke.	2058	6174
2	81	50	Coke.	8100	20700
2	9	25	Coke.	5430	13200
1	49	45	—		
1	100	30	—		
2	45½	36	Coke.	3276	8190
1	49	30	Coke.	3430	8552
1	49	40	and Brick.		
4	81	30	Coke.	9720	14520
1	28	40	Coke.	1120	2120
1	102	20	Brick.	2040	6062
2	100	32	Brick.	3200	6400
4	32	56	Coke.	7168	16168
2	42	40	Coke.	3360	10680
1	25	20	Coke.	500	1250
1	64	35	Coke.	2240	8480
0	—	—	—	—	—
0	—	—	—	—	—
1	72	22	Brick.	1584	4144
1	16	30	Coke.	3360	26080
4	36	20			
1	25	55	Coke.	1375	4125
1	20½	52	Coke.	1066	2668
1	49	40	Coke.	1960	3920

into animal charcoal, and is completely condensed.

1	64	40	Coke.	2560	6278

PARTICULARS RELATING TO THE

CONDENSING

CONDENSING TOWERS.

Register No.	Cooling Space in Pipes, Tanks, &c.	No. of Towers.	Dimensions.		Material used for filling.	Cubic Contents in Feet.
			Sectional Area.	Height.		
	Cubic Feet.		Square Feet.	Feet.		
30	121	2	20·25	31	Coke.	1256
43	3772	4	24·5	36	Coke.	3528
33	272	2	20·25	25	Coke.	1012
35	1619	11	15*	33*	Coke.	5350
41	1414	3	10 9	49	Tiles. Coke.	1421
28	1556	4	36 30·25 16	28	Coke.	3311
42	939	1	10·125	36	Coke.	364
39	1804	2	14 22	26 35	Coke.	1130
47	108	3	13·5	20 30	Tiles. Coke.	945
34	145	2	13·5	25	Coke.	636
31	1683	4	10·56	45 50	Coke.	2090
49	2064	8	14 22·5	60	Coke.	8230
40	119424	The condensation is effected in the vaults given as "cooling space, &c."				
32	1858	8	20·25 12	80 92 96	Tiles. Coke.	5630
46	263	3	16	30 55	Coke.	2240
48	—	1	13	18	Coke.	234
90	645	2	18	36	Coke.	1296
51	2815	5	25	101	Coke.	12625
50	3264	2	36	70	Coke.	5040
56	1818	3	36	63	Coke.	6804
57	90	—	—	—	—	—
52	—	—	—	—	—	—
58	428	1	36	55	Coke.	1980
60	776	1	36	55	Coke.	1980
59	155	1	25	45	Coke.	1125
63	9220	3	36	90	Coke.	9720
61	230	1	25	50	Coke.	1250
62	12000	—	—	—	—	—

* The towers are of various dimensions and

Cooling and Condensing Apparatus.

Apparatus.

Flushing Towers.

No. of Towers.	Dimensions.		Material used for filling.	Cubic Contents in Feet.	Total Condensing Space.
	Sectional Area.	Height.			
	Square Feet.	Feet.			Cubic Feet.
2	9	31	Coke.	558	1814
2	6	36	Coke.	432	3960
1	20·25	25	Coke.	506	1518
20	15*	35*	Coke.	10626	15976
1	9	49	Coke.	441	1862
2	30·25 16	28	Coke.	1295	4606
1	10·125	36	Coke.	364	728
2	14 22·5	26 35	Coke.	1480	2614
3	13·5	30	Tiles.	1215	2160
2	13·5	25	Coke.	636	1272
2	10·56	15	Coke. Brick.	314	2404
2	27·5	60	Coke.	3300	11530
2	490	7	Coke.	6860	11530
4	16 96	80 23	Coke. Brick.	5696	11326
1	16	30	Brick.	480	2720
1	13	18	Coke.	234	468
1	6	36	Coke.	216	1512
5	34	40	Brick.	6800	19425
1	36	35	Brick.	1260	6300
3	8	18	Brick.	860	7668
1	9	18	Brick.	486	486
—	—	—	—	—	—
2	69	25	Brick.	3450	5430
2	45	19	Brick.	1710	3690
1	9	18	Brick.	486	1611
4	60	28	Brick.	13440	23160
2	9	22	Brick.	792	2042
4	64	30	Brick and Coke.	15360	15360

heights. I consider this a fair average.

PARTICULARS RELATING TO THE

CONDENSING

CONDENSING TOWERS.

Register No.	Cooling Space in Pipes, Tanks, &c.	No. of Towers.	Dimensions.		Material used for filling.	Cubic Contents in Feet.
			Sectional Area.	Height.		
	Cubic Feet.		Square Feet.	Feet.		
64	735	1	25	44	Coke.	1100
53	365	1	12·10′	34	Coke.	436
70	908	2	30	48	Coke.	2880
67	2892	6	36	90	Coke.	19440
68	69	—	—	—	—	—
55	225	2	25	39	Coke.	1950
71	2563	6	33	50	Coke.	9900
66	560	1	36	22	Coke.	792
54	1818	3	27·6′	50	Coke.	4125
79	49704	16	25	50	Coke.	1250
80	910	3	36	32 37 37	Coke.	1152 1332 1332
84	728	1	36	36	Coke.	1296
82	271	1	36	26	Coke.	936
72	In cylinder process = 432 cubic feet. In roasting					
73	538	1	9	27	Coke.	234
83	1806	4	36	36	Coke.	1296
81	587	4	17	18	Coke.	average 384

It must be observed that when there are several towers of various dimensions the

COOLING AND CONDENSING APPARATUS—*cont.*

APPARATUS.

FLUSHING TOWERS.

No. of Towers.	DIMENSIONS.		Material used for filling.	Cubic Contents in Feet.	Total Condensing Space.
	Sectional Area.	Height.			
	Square Feet.	Feet.			Cubic Feet.
2	10·5	22	Brick.	924	2024
1	30	31	Brick.	1860	2296
2	14	40	Brick.	2240	5120
6	20	19	Brick.	4560	24,000
2	16	20	Brick.	960	960
—	—	—	—	—	1950
—	—	—	—	—	9900
2	42	45	Coke.	3780	4572
3	25	18	Brick.	2700	6825
—	—	—	—	—	20,000
—	—	—	—	—	3816
{6 inch pipe.}	—	46	0	$8\frac{1}{4}$	1296
1	36	26	Coke.	936	1872
process = 217 cubic feet.					649
—	—	—	—	—	234
2	36	30	Coke.	1080	6264
—	—	—	—	—	1536

sectional area of each is not given in all cases, but is accounted for in the calculation.

Registered Alkali Works.

St. Helen's Chemical Co.
Crosfield Bros. & Co.
Evans and McBryde.
James C. Gamble & Son.
Gaskell, Deacon & Co.
John Hutchinson & Co. (No. 1.)
John Hutchinson & Co. (No. 2.)
William Hill & Sons.
Runcorn Soap and Alkali Works.
Hazlehurst & Sons.
Weston Alkali Works.
Andrew George Kurtz.
Port Tennant Copper Works.
Borax and Alkali Works (Widnes).
J. Marsh & Co. (Ravenshead).
J. Marsh & Co. (Parr).
Frederick Muspratt.
James Muspratt.
Marsh Alkali Company.
Muspratt Bros. and Huntley.
Conham Chemical Works.
Mersey Chemical Works.
Smith and Maudsley.
Netham Chemical Works.
James Gibb.
Vivian & Sons.
Counterslip Sugar Company.
Bridgewater Smelting Works.
Slack, Ashworth, & Co.
New Road Chemical Works.
Thos. Adkins & Co.
Frederick Allen.
William Barton & Co.
H. Becker & Co.
Richard Bealey & Son.
Holland Bank Alkali Works.
Henry Bury & Co.
Chance Bros. & Co.
Thomas Dentith.
Thomas Farmer & Co.
John Farmer.
John and Tnomas Garrett.
Harrison, Blair, & Co.
Burnden Chemical Works.
William Howarth.
Lea Brook Alkali Works.
John Metcalf & Sons.
Christopher James Schofield.
John Smith & Co.
John Riley.
Tennants & Co.
Edward Wilson.
Richard Paxton.
George Whewell.
Wm. Hunt, Aire and Calder Chemical Works.
Wm. Liddiard, Ocean Street, Stepney.
J. and W. Allen.
C. Allhusen & Sons.
Thomas Bramwell & Co.
Thomas Lomas.
Washington Chemical Works.
Blaydon Chemical Company.
T. Burnett & Son, Dunston.
T. Burnett & Son, Bill Quay.
Carville Chemical Company.
John Cook.
Cook, Brothers.
Haworth Chemical Works.
Jarrow Chemical Works.
Friars Goose Chemical Works.
Jarrow Hill Chemical Company.
Low Walker Chemical Company.
H. L. Pattinson & Co.
Ebenezer Ridshaw Ridley.
James Shorthouse & Sons.
Solomon Mease & Co.
Walker Alkali Works.
Seaham Chemical Works.
Netherfield Acid Works.
Alex. Hope, junr., & Co.
McGeachy and McFarlane.
J. Montgomerie & Co.
Richard Smith.
Bonnington Chemical Works.
Charles Tennant & Co.
Morgan Mooney.
William McLiesh.
Wm. Josh. Kane & Son.
J. M'Kenny & Co.
Irvine & Bryce.

Vapour from the roasted Saltcake.

It has already been said that the escape of vapour when drawing a charge of sulphate of soda from the roasting furnace has never been entirely prevented in any alkali works.

It does seem, however, as if the question were not a difficult one. Where care is taken the hot salt is rapidly wheeled to a large shed, and cold sulphate laid over it. Even here, however, there is an objection; the gas destroys the roof, although little escapes outside.

It has been suggested that the furnace should be connected with a cold hearth, on which the heated salt might be thrown, and allowed to lie until it cooled.

Another method may be tried. At a copper work in Oldbury, belonging to the British Metal Extracting Company, complaints were made of an escape of chlorine gas and chloride of iron. The smell was said to be very remarkable, and unusual; it occurred chiefly when drawing a charge from the furnace. To obviate this the arrangement seen in the plate was made. The front view shows a pair of iron doors below the furnace mouth. These doors open into a cavity large enough for two charges.

At the point (*a*) in the section is an opening, into which the charge is emptied, so that it falls into the chamber without coming in contact with the outer air.

A flue communicates with the condenser, and draws air from the front through the chamber and over the calcined mass, thus cooling it and removing the gas.

The openings for the air are not shown in the brick work; they are made near the hinges of the doors.

This is a remarkable relief to the men at work, and it must also be very influential in preventing the destruction of the roofs. If this were made to work easily, an alkali work might be managed almost without affecting the sense of smell. It is quite new at Oldbury, and its effect must be watched. It is a simple and ingenious mode. I have not yet had much experience of its value, but I have seen it work with certainty.

Comparison of Results and Methods.

No. of the Work.	Escape last Year.	Escape this Year.
45	—	—
30	—	—
43	—	—
33	—	0·56
35	—	—
41	0·63	0·46
28	0·16	—
42	0·54	1·20
39	0·24	—

Comparison of Results and Methods—*cont.*

No. of the Work.	Escape last Year.	Escape this Year.
47	2·28	2·17
34	0·30	0·46
31	0·12	0·63
49	2·79	0·47
40	1·67	1·17
32	4·55	0·47
46	1·95	1·65
48	1·1	—

The above results are compared because the most interesting.

The second column, although in nearly all cases an improvement on the first, has a very great resemblance to it. There is perceptible the slight increase in some cases, and the considerable increase in others, a fair representation of the various successes at different places; and there is one slightly retrograde, a result equally natural.

Curiously, these two columns are got by very different methods, as well as at different times: one by taking the amount of acid in a cubic foot of the inlet and of the outlet, and calculating the percentage; the other by taking the outlet only, and with it the velocity of the current, estimating the amounts.

Each method has been tried for one year, and similar results obtained, but experiments are not yet sufficient in number to illustrate fully the advantages of both plans.

Some of the London makers of sulphate of soda considered that they were not included under the Alkali Act, and some discussion took place on the subject. Strictly speaking, their arguments were insufficient in my opinion; but it is quite clear that the Act would not have been introduced for works of the kind known in London, where the amount of alkali made is small, the condensation is in Wolff's bottles, and there is no roasting, so that no alkali is finished. I considered, therefore, that the spirit of the Act would be complied with, if in such cases registration were not rendered compulsory, unless complaints were made when the matter would be reconsidered. Of the eight cases of this kind known to us in London, three of them preferred to have their names kept on the register.

I am, &c.

R. Angus Smith.

LONDON:
Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty.
For Her Majesty's Stationery Office.

ALKALI ACT, 1863.

PLAN

TO ACCOMPANY THE

SECOND ANNUAL REPORT

BY

THE INSPECTOR.

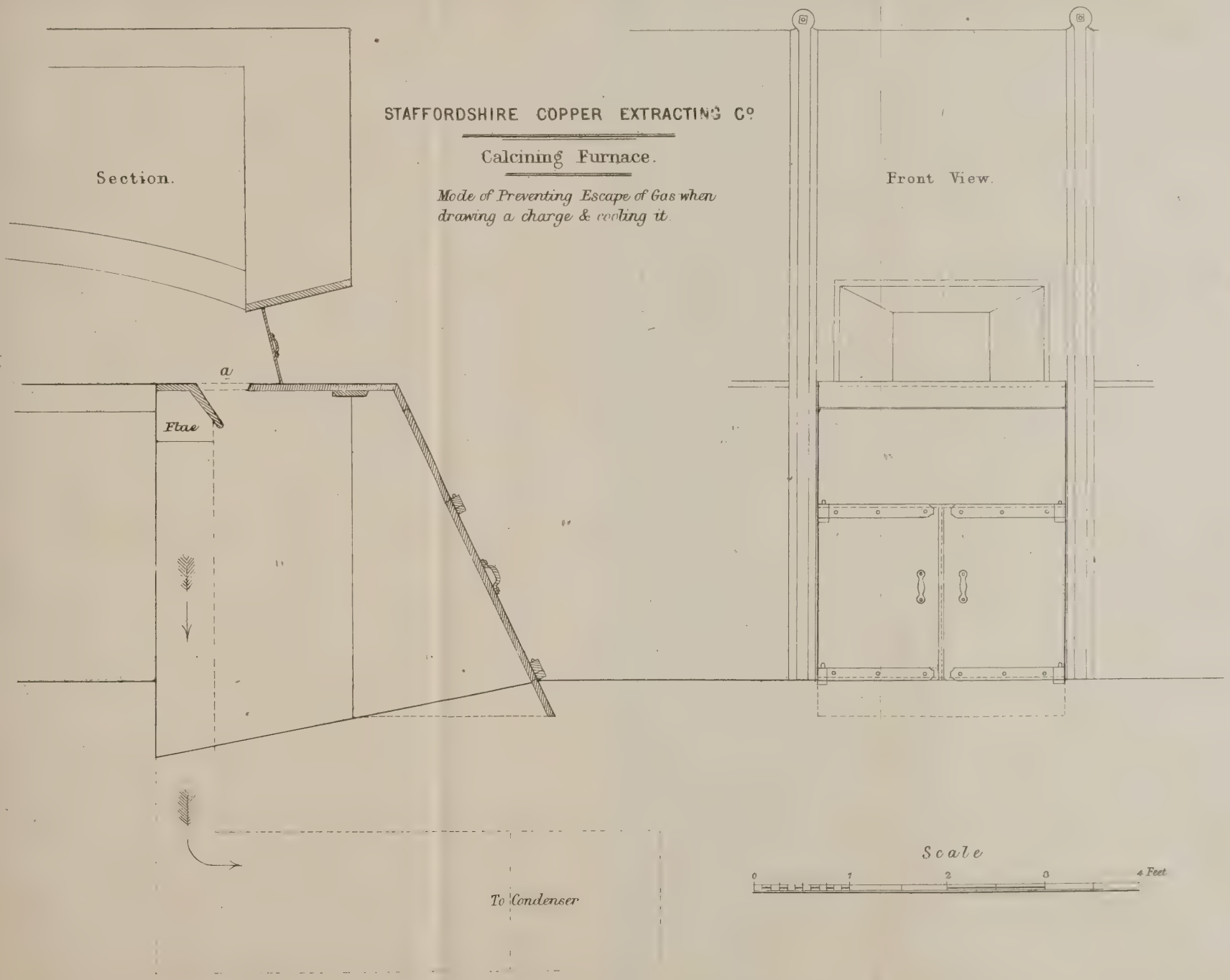
(*Presented to both Houses of Parliament pursuant to Act 26 & 27 Vict. Cap.* 124.)

[*Price 3d.*]

STAFFORDSHIRE COPPER EXTRACTING Co

Calcining Furnace.

Mode of Preventing Escape of Gas when drawing a charge & cooling it.



ALKALI ACT, 1863.

SECOND ANNUAL REPORT

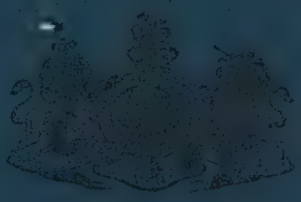
BY

THE INSPECTOR

OF HIS

PROCEEDINGS DURING THE YEAR 18

(Presented to both Houses of Parliament pursuant to Act 26 & 27 Vict. Cap. 124)



LONDON:
PRINTED BY GEORGE E. EYRE AND WILLIAM SPOTTISWOOD
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.
FOR HER MAJESTY'S STATIONERY OFFICE.

1866.

ENGLISH AND IRISH LAW AND CHANCERY COMMISSION.

SECOND REPORT

OF

HER MAJESTY'S COMMISSIONERS

APPOINTED TO INQUIRE INTO

THE SUPERIOR COURTS OF COMMON LAW AND COURTS OF CHANCERY

OF

ENGLAND AND IRELAND.

Presented to both Houses of Parliament by Command of Her Majesty.

LONDON:
PRINTED BY GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.
FOR HER MAJESTY'S STATIONERY OFFICE.

1866.

4001.

TABLE OF CONTENTS.

	Page
COMMISSION	vii
SUPPLEMENTAL COMMISSION	ix
SECOND REPORT	xi
COSTS IN THE SUPERIOR COURTS OF COMMON LAW IN ENGLAND AND IRELAND	xi
Recommendations	xii
Interlocutory Costs	xii
Final Costs	xii
Costs where verdict less than 5*l.* in tort, &c., and less than 20*l.* in contract	xii
Judgment by default	xii
Costs by general rules	xii
Real actions	xii
Appeal from Quarter Sessions	xii
Special cases	xii
FEES, TAXES AND COMPENSATION, AND FEE FUND, AND SUITORS FEE FUND IN THE COURT OF CHANCERY IN IRELAND	xii
Recommendations	xiv
PRACTICE, PROCEDURE, AND FEES AT COMMON LAW AND IN CHANCERY IN IRELAND	xv
Practice of delivering copies of pleadings at Common Law	xv
Power of restraining trustees from transferring stock	xv
Taxation of costs after death of parties	xv
Changes in fees to attorneys and solicitors in Ireland consequent on assimilation	xv
Recommendations	xv
PRACTICE, PROCEDURE, AND FEES ON THE CROWN SIDE OF THE COURT OF QUEEN'S BENCH IN IRELAND	xvi
Preparation of books for Judges	xvi
Scale of court fees, and conversion of same into stamps	xvi
Scale of costs to suitors	xvi
Recommendations	xvii
OFFICIAL ESTABLISHMENT ON THE CROWN SIDE OF THE COURT OF QUEEN'S BENCH, IRELAND	xvii
Recommendations	xvii
THE PRACTICE AND PROCEDURE AS TO THE LAW OF JUDGMENTS IN IRELAND	xviii
Mr. Monahan's statement on the law of judgments in Ireland	xviii
Difference between law of judgments in Ireland and in England	xviii
General registry of deeds in Ireland	xviii
Roman Catholic disabilities as to property in land and as to elegits	xviii
Assignability of judgments in Ireland	xix
Continued use of judgments as securities after removal of Roman Catholic disabilities	xix
Abolition of writs of custodiam, and introduction of receiver system in 1835	xix
Establishment of judgment registry office in 1844	xix
Changes in law of judgments in 1849	xix
Restrictions as to receivers after 1849	xix
Writs of elegit	xx
Changes in law of judgments in England, introduced by Mr. Hadfield's Act	xx
Different classes of judgments in force in Ireland	xx
The Judgment Mortgage Act of 1850 considered	xxi
Record of Title Act (*Ireland*), 1865	xxi
Result of Inquiries	xxi
THE OFFICE OF THE REGISTRAR OF JUDGMENTS IN IRELAND	xxii
Recommendations	xxiv
OFFICIAL ESTABLISHMENT OF THE COURT OF CHANCERY IN IRELAND	xxiv
The office of the Deputy Keeper of the Rolls in Ireland	xxiv
The Record and Writ Office	xxiv
The Registrar's Office	xxv
The Examiner's Office	xxv
Duties of examiners and clerks in the offices of Masters in Chancery in Ireland, in respect of the documents and deeds therein	xxv
Employment of officers rendered unnecessary by changes in Court of Chancery in Ireland	xxv
Superannuation of officers of the Court of Chancery in Ireland	xxv
Recommendations	xxvi
OFFICES CONNECTED WITH THE COURT OF CHANCERY IN IRELAND, BUT OF WHICH THE DUTIES ARE WHOLLY OR IN PART UNCONNECTED WITH PRACTICE AND PROCEDURE	xxvii
Secretary of the Lord Chancellor	xxvii
Lunacy Office	xxvii
Clerk of the Crown and Hanaper	xxvii
Receiver Master in Chancery	xxvii
OFFICIAL ESTABLISHMENTS OF THE SUPERIOR COURTS OF COMMON LAW IN IRELAND	xxviii
Masters' department	xxviii
Clerks of the Rules	xxviii
Pleadings, Records, and Rules Departments	xxix
Recommendations	xxx

APPENDICES.

APPENDIX A.

LAW OF JUDGMENTS IN IRELAND.

Statement of Mr. Monahan as to the Practice, Process, and Procedure thereupon, for the Simplification and Improvement thereof. [30 April 1864.]	
Introduction	1
Law of Judgments, considered as charges on land, before the 15th July 1850:—	
The modes of enforcing judgments against lands:	
1. The writ of elegit	4
2. Procedure and practice on writs of elegit	5
3. Plenary suit in Chancery	7
4. Summary petition	9
5. Over what estates of the debtor a receiver may be appointed	11
6. General observations on summary petitions	12
Protection of purchasers, &c., from judgments:—	
Protection given by Courts of Equity independently of Statute	13
Protection given by Statute and herein of:—	
1. Voluntary judgments	14
2. Entering judgments	14
3. Docketing judgments	14
4. Re-docketing judgments	14
5. Registration of judgments	15
6. Re-registration of judgments	16
7. Registry Office	16
8. Construction of the Registry Acts	17
9. Operation as to executors, &c.	18
10. Registry of writs of execution in England	19
Judgment Mortgages:—	
1. Statement of Statutes	20
2. Construction of Statutes	22

Page

Miscellaneous Points :—
The assignment of judgments - - - 23
Operation of judgments on chattel interest in lands 24
Decrees, rules, and orders - - - - 25
Judgments of Inferior Courts - - - 25
Attestation of warrants of attorney - - - 25
Seizure in execution of money, bank notes, &c. - 25
Attachment of Government stock, shares, &c. - 26
Operation of judgments on ecclesiastical benefices - 27
Judgments against executors and administrators - 27
Effect of the bankruptcy or insolvency of the judgment debtor - - - - - 27
Effect of arresting the judgment debtor - - 28
Interest on judgments - - - - 28
Entry of satisfaction of judgments - - - 28
Release of a portion of the lands charged - - 29

Appendix B.

Court Fees and Law Taxes in Superior Courts of Common Law, Ireland.

I. Circular to Officers, requesting Returns.

II. Answers, viz. :—
1. Clerk of the Crown, Queen's Coroner, and Attorney and Master of the Crown Office - 29
2. Master of the Court of Queen's Bench - 30
3. Master of the Court of Common Pleas - 30
4. Master of the Court of Exchequer - - 31
5. Clerk of Writs - - - - 31
6. Law Taxing Officers - - - 31
7. Registrar of Judgments - - - 31
8. Clerk of Errors - - - - 31

Appendix C.

Salaries and Emoluments of Officers of Superior Courts of Common Law, Ireland.

I. Circular to Heads of Offices, requesting Returns - 32

II. Answers :—
1. Clerk of the Crown, Attorney to the Queen, and Master of the Crown Office - - 32
2. Master of the Court of Queen's Bench - 33
3. Master of the Court of Common Pleas - 33
4. Master of the Exchequer - - - 33
5. Clerk of Writs, Common Law Courts - 33
6. The Law Taxing Officers - - - 34
7. Registrar of Judgments - - - 34

Appendix D.

Salaries and Fees of the Judges and Officers of the Superior Courts of Common Law in Ireland.

Summary showing same, and funds from which paid - 35

Appendix E.

Court Fees and Law Taxes in Superior Courts of Common Law, England.

I. Circular to Officers, requesting Returns - - 36

II. Answers :—
1. Master on the Crown Side of Court of Queen's Bench - - - - 36
2. Masters on the Plea Side of the Court of Queen's Bench - - - - 37
3. Associate of the Court of Queen's Bench - 37
4. Masters of the Court of Common Pleas - 37
5. Registrar of Certificates of Acknowledgments of Deeds by Married Women - - 37
6. Masters of the Court of Exchequer - 38
7. Queen's Remembrancer - - - 39
8. Associate of the Court of Exchequer - 40

Appendix F.

Salaries and Emoluments of Officers of Superior Courts of Common Law, England.

I. Circulars to Officers, requesting Returns. 41

II. Answers :—
1. Return as to Court of Queen's bench, Henry W. Frayling, Esq., Principal Clerk to Lord Chief Justice - - - - 41
2. Return as to same, Crown Side, Crown Office, J. G. Malcolm, Esq., Master - - 42
3. Return as to same, Plea Side, Masters' Office, A. D. Croft, Esq., Master - - - 42
4. Return as to same, Plea Side, Associate's Office, H. G. Campbell, Esq., Associate - 42

Page

5. Return as to Court of Common Pleas, Masters' Office, Office of the Registrar of Certificates of Acknowledgments of Deeds by Married Women, Office of Registrar of Judgments, Associate's Office and Judge's Chambers, Alexander A. Park, Esq., Senior Master - - - 42
6. Return as to Court of Exchequer, John Boucher, Esq., Clerk to Lord Chief Baron 43
7. Return as to same, Queen's Remembrancer's Office, W. H. Walton, Esq., Queen's Remembrancer - - - - 43
8. Return as to same, Masters' Office, W. H. Walton, W. H. Pollock, and John C. Templer, Esqrs., Masters - - - 43
9. Return as to same, Associate's Office, Henry Pollock, Esq., Associate - - 43

Appendix G.

Salaries of Officers of the Superior Courts of Common Law in England.

Summary showing amount, and out of what funds paid - - - - - - - - 44

Appendix H.

Duties and Appointment of Officers of Superior Courts of Common Law, Ireland.

I. Circular to Heads of Offices - - - 47

II. Answers :—
1. James Nagle, Esq., Clerk of the Crown, Coroner, and Attorney to the Queen, and Master of the Crown Office in Ireland - 47
2. Arthur Bushe, Esq., Master of the Court of Queen's Bench in Ireland - - - 48
3. Christopher N. Duff, Esq., Clerk of the Rules in the Queen's Bench, Ireland - - 51
4. Charles Granby Burke, Esq., Master of the Court of Common Pleas, Ireland - - 53
5. Robert Hitchcock, Esq., Master of the Court of Exchequer, Ireland - - - 55
6. William MacDougall, Esq., Clerk of Writs - 56
7. Edward Howell Scriven, Esq., Registrar of Judgments, &c., Ireland - - - 57
8. Henry Colles, Esq., Principal Taxing Officer, Common Law Taxing Office - - 59
9. Thomas R. Crawford, Esq., Clerk of the Errors, Court of Exchequer Chamber, Ireland - - - - - - 59
10. Thomas Courtenay, Esq., Registrar, Consolidated Nisi Prius Court - - - 60
11. Thomas Courtenay, Esq., Registrar to the Lord Chief Justice - - - 61
12. Henry J. Monahan, Esq., Registrar to the Chief Justice of the Common Pleas - 61

III. Circular as to Common Law Practice and Procedure, and as to Establishments of the Common Law Courts, addressed to the Clerks of the Rules of the Three Superior Courts of Common Law, Ireland - - - - - 62

IV. Answers thereto :—
1. Henry Yeo, jun., Esq., Clerk of the Rules in the Exchequer - - - - 62
2. Christopher N. Duff, Esq., Clerk of the Rules in the Queen's Bench - - 64

Appendix I.

Duties and Appointments of Officers of Superior Courts of Common Law, England.

I. Circular to Heads of Offices - - - 65

II. Form of Questions enclosed - - - 65

III. Answers :—
1. Thomas Norton, Esq., Queen's Coroner and Attorney - - - - - 65
2. A. D. Croft, C. R. Turner, H. J. Hodgson, John Unthank, and J. H. Brewer, Esqrs., Masters (Plea Side) of Court of Queen's Bench - - - - - - 66
3. H. G. Campbell, Esq., Associate, Court of Queen's Bench - - - - 69
4. Alexander A. Park, Esq., Senior Master of Court of Common Pleas - - - 69
5. T. W. Erle, Esq., Associate of the Court of Common Pleas - - - - 72
6. M. Short, Esq., Registrar of Acknowledgments of Deeds by Married Women - 73
7. Alex. A. Park, Esq., Registrar of Judgments 73
8. W. H. Walton, Esq., Queen's Remembrancer 73

Page

9. W. H. Walton, W. F. Pollock, George Pollock, John C. Templer, and M. H. Johnson, Esqrs., Masters of Court of Exchequer - 75
10. Henry Pollock, Esq., Associate of the Court of Exchequer - - - - 76

Appendix K.

Differences existing between the Official Establishments of the Superior Courts of Common Law in England and Ireland, as distinguished from the Judicial Establishments.

Joint concise Statement of Messrs. Jellett and Holland as to - - - - - - 77

Appendix L.

Official Establishments of the Superior Courts of Common Law, Ireland.

Evidence as to:—
1. Minutes of Evidence.—Part I.:
4th January 1864.—Master Bushe (Queen's Bench), Master Burke (Common Pleas), and Master Hitchcock (Exchequer) - - 81
2. Minutes of Evidence.—Part II.:
10th January 1864.—William MacDougall, Esq., Clerk of Writs - - - - 89
3. Suggestions with a view to the consolidation of offices, submitted, by request of the Commissioners, by the Masters of the three Superior Courts of Common Law, Ireland, Masters Bushe, Burke, and Hitchcock - - - - 92
4. Statement by Christoper Duff, Arthur Greene, and Henry Yeo, jun., Esqrs., Clerks of Rules of Common Law Courts, Ireland, with respect to their departments - - - - 93

Appendix M.

Fees on Crown Side of Queen's Bench, Ireland.

Returns as to - - - - - - 95

Appendix N.

Salaries and Emoluments of Officers in Courts of Chancery in Ireland and in England.

I. Return of same as to Court of Chancery, Ireland, with sources from whence such Salaries and Emoluments are paid - - - - 97
II. Return of same as to Court of Chancery, England 98

Appendix O.

Duties and Appointment of Officers of the Court of Chancery in Ireland.

I. Circular addressed to Heads of Offices - - 99
II. Answers:—
1. Mark Perrin, Esq., Secretary to the Lord Chancellor - - - - - 100
2. Ralph S. Cusack, Esq., Clerk of the Crown and Hanaper - - - - 100
3. W. Neilson Hancock, Esq., Clerk of the Custodies in Lunacy - - - - 102
4. John Hazlett, Esq., General Solicitor for Minors and Lunatics - - - 103
5. James A. Kift, Esq., Secretary to the Master of the Rolls - - - - 104
6. Thomas Berry, Esq., Clerk in the Rolls Court 104
7. John Reilly, Esq., Deputy Keeper of the Rolls - - - - - 105
8. Hon. Henry Sugden, Esq., Registrar, Court of Chancery - - - - 106
9. Maziere J. Brady, Esq., Clerk of Affidavits - 107
10. Yelverton Dawson, Esq., Clerk of Appearances and Writs - - - - 107
11. James Walker, Esq., Clerk of Recognizances 108
12. Henry Maturin Quinan, Esq., Chief Examiner - - - - - - 108
13. Richard Weld Litton, Esq., Examiner to Master Litton - - - - 110
14. William Peters Smith, Esq., Examiner to Master Brooke - - - - 111
15. William D. Murphy, Esq., Examiner to Master Murphy - - - - 112
16. James A. Lyle, Esq., Examiner to Master Fitzgibbon - - - - - 113
17. John O'Dwyer, Esq., Senior Taxing Master 115
18. Thomas Reilly and David Coffey, Esqrs., Taxing Masters of the Court of Chancery - 117
19. Digby Pilot Starkey, Esq., Accountant-General - - - - - 118

Appendix P.

Duties and Appointment of Officers of the Court of Chancery in England.

Page

I. Circular addressed to Heads of Offices - - 119
II. Answers:—
1. Officers of the Lord Chancellor.
(a.) Lord Chancellor's Principal Secretary - 119
(b.) Secretary of Presentations - - - 120
(c.) Secretary of Commissions of the Peace - 120
(d.) Clerk of Dispensations and Faculties - - 120
(e.) Gentleman of the Chamber - - - 120
(f.) Deputy Serjeant-at-Arms - - - 121
(g.) Purse Bearer - - - - - 121
(h.) Train Bearer - - - - - 121
(i.) Messenger or Pursuivant - - - 121
(k.) Clerk in the Office of the Lord Chancellor's Principal Secretary - - - 121
(l.) Junior Clerk in ditto - - - - 122
(m.) Usher of the Hall - - - - 122
(n.) Usher to the two new Vice-Chancellor's Courts 123
(o.) Tipstaff to the Court of Chancery - - 123
(p.) Court keeper to Court of Chancery at Westminster - - - - - 123
(q.) Ten persons appointed to keep order in the Courts of the Lord Chancellor, Lords Justices, and Vice-Chancellors, and of the Stoker to the Court - - - 124
2. Clerk of the Petty Bag Office - - - 124
3. Officers of the Master of the Rolls - - - 124
(a.) Principal Secretary of the Master of the Rolls 124
(b.) Secretary of Causes and Decrees and Under Secretary at the Rolls - - - 125
(c.) Gentleman of the Chamber - - - 125
(d.) Second Gentleman of the Chamber and Train Bearer - - - - - 125
(e.) Clerk in the Secretary's Office - - 126
(f.) Junior Clerk in the Secretary's Office - 126
(g.) Porter at the Rolls - - - - 126
(h.) Usher of the Hall - - - - 126
(i.) Tipstaff to the Master of the Rolls - - 126
4. Chief Clerks to the Master of the Rolls - - 126
5. Taxing Masters of the Court of Chancery - - 131
6. Solicitor to the Suitors' Fund - - - 132
7. Senior Registrar of the High Court of Chancery - 132
8. Clerk of the Enrolments - - - - 134
9. Clerks of Records and Writs - - - 135
10. Accountant-General of the Court of Chancery - 138
11. Examiners of the Court of Chancery - - 147
12. Masters in Lunacy - - - - - 148
13. Visitors of Lunatics - - - - 148
14. Registrar in Lunacy - - - - 149

Appendix Q.

Differences existing between the Official Establishments of the Courts of Chancery in England and Ireland, as distinguished from the Judicial Establishments.

Joint concise Statement of Messrs. Barber and Jellett as to - - - - - - 150

Appendix R.

Offices connected with the Court of Chancery in Ireland.

Evidence as to:—
Minutes of Evidence, Part I., 15th March 1864:
Mark Perrin, Esq., Lord Chancellor's Secretary - 155
William Neilson Hancock, LL.D., Clerk of Custodies in Lunacy - - - - 157
Minutes of Evidence, Part II., 16th March 1864:
Maziere Brady, Esq., Clerk of Affidavits - - 158
Yelverton Dawson, Esq., Clerk of Appearances and Writs - - - - - 159
Hon. Henry Sugden and William Dwyer Ferguson, Esq., Registrars - - - 161
Richard W. Buchanan, Esq., Clerk of Records - 164
Minutes of Evidence, Part III., 17th March 1864:
James Walker, Esq., Clerk of the Recognizances - 165
John Reilly, Esq., Deputy Keeper of the Rolls - 165
Minutes of Evidence, Part IV., 4th May 1864:
Ralph Cusack, Esq., Clerk of the Crown and Hanaper - - - - - - 167

Appendix S.

The Office of the Registrar of Judgments in Ireland.

Page

Evidence as to mode of conducting business therein.

I. Minutes of evidence, 7th April 1865:—
Mark Perrin, Esq., Registrar of Judgments - 169
William V. R. Ruckley, Esq., First Assistant Clerk in the office of the Registrar of Judgments - - - - 170

II. Return of Proceedings in the office of the Registrar of Judgments for the years 1848–1853, and 1862–1864 - - - - - - 173

III. Return of Judgments re-registered in the Office for the Registry of Judgments, Ireland, in five years, 1860–1864 - - - - - - 174

Appendix T.

Fees and Stamp Duties in the Court of Chancery in Ireland, and Compensation and Fee Fund Accounts of the Courts of Chancery and Exchequer in Ireland.

I. Return as to orders, altering, abolishing, or imposing fees, with particulars of changes made - 174

II. Returns showing for three years the fees received in each of the Chancery offices, with receipts, disbursements, schedules of fees chargeable, and the amount produced by each kind of fee:—
Returns from—
1. The Rolls Office - - - - 178
2. Crown and Hanaper Office - - 179
3. Master Litton's Office - - - 182
4. Master Brooke's Office - - - 183
5. Master Murphy's Office - - - 183
6. Master FitzGibbon's Office - - 184
7. Lord Chancellor's Secretary's Office - 186
8. Registrar's Office - - - - 186
9. Appearance and Writ Office - - 187
10. Affidavit Office - - - - 189

III. Returns showing for three years, fees received by Officers of the Court of Chancery in Ireland for their own benefit:—
Returns from—
1. Digby P. Starkey, Esq., Accountant-General - - - - - 190
2. H. M. Quinan, Esq., Examiner - - 190
3. James Morrin, Esq., Clerk of Enrolments 191
4. J. J. Digges La Touche, Esq., Clerk, Rolls Office - - - - 191
5. F. B. Martley, Esq., Chief Clerk, Registrar's Office - - - - 192
6. James Walker, Esq., Clerk of Recognizances - - - - - - 192
7. W. Neilson Hancock, LL.D., Clerk of the Custodies in Lunacy - - - 192
8. Thomas Rice Henn, Esq., Q.C., Commissioner in Lunacy - - - 193
9. Medical Inspectors in Lunacy - - 193
10. Thomas Sinton, Esq., Train-bearer - 194
11. Edmund O'Reilly, Esq., Crier - - 194
12. Mr. J. D. Campbell, Tipstaff - - 194
13. Mr. James Gaffney, Tipstaff - - 195

IV. Returns as to Chancery Fund Stamp Duties, Compensation and Fee Fund, and Suitors' Fee Fund of the Court of Chancery in Ireland:—
Returns showing—
1. Gross amount of Chancery Fee Fund duties for three years - - - 195

Page
2. Investments and sales on Compensation and Fee Fund account in Chancery, Ireland - - - - - - 196
3. Interest and produce of Compensation and Fee Fund Account in Chancery, Ireland, for one year - - - - - 198
4. Amounts chargeable on the interest and produce of the Chancery Compensation and Fee Fund, which are actually paid out of the Suitors' Fee Fund in consequence of Compensation and Fee Fund being inadequate - - - - 198
5. Amount of the Compensation and Fee Fund of the Court of Exchequer for one year - - - - - - 199
6. Amount of the interest and produce of the Compensation and Fee Fund of the Court of Exchequer - - - - - 199
7. Cash standing to credit of Accountant-General at annual balance for 10 years - 200
8. Sums taken from time to time out of unemployed cash of Suitors' Fund for building Four Courts and other purposes 201
9. Suitors' Fee Fund account in detail for one year - - - - - - 201

Appendix U.

Costs in the Superior Courts of Common Law in England and Ireland.

I. Circular to Judges of the Superior Courts of Common Law, Barristers, and Societies of Attorneys and Solicitors - - - - - 206

II. Answers to circular, viz.:—
1. The Right Hon. Mr. Baron Deasy - - 207
2. Mr. Sergeant Armstrong - - - 207
3. George Battersby, Esq., LL.D., Q.C. - 207
4. Henry H. Joy, Esq., LL.D., Q.C. - - 207
5. William W. Brereton, Esq., Q.C. - - 208
6. Alexander Norman, Esq., Q.C. - - 208
7. C. H. Hemphill, Esq., Q.C. - - - 208
8. J. W. Carleton, Esq., Q.C. - - - 208
9. D. C. Heron, Esq., LL.D., Q.C. - - 208
10. Michael Morris, Esq., Q.C. - - - 209
11. Richard Dowse, Esq., Q.C. - - - 209
12. The Council of the Incorporated Society of Attorneys and Solicitors - - - 209
13. Northern Law Club - - - - - 209
14. Cork Law Society - - - - - 209

III. Joint Statement of Messrs. Jellett and Holland upon the subject of costs in the Superior Courts of Common Law in England and Ireland - 210

IV. Statement of Mr. Jellett upon the subject of Costs in the Superior Courts of Common Law in Ireland - - - - - - - 210

V. Statement of Mr. Holland upon the subject of Costs in the Superior Courts of Common Law in England - - - - - - - - 220

VI. Summary of principal Differences as to costs in the Superior Courts of Common Law in England and Ireland - - - - - - - 238

Appendix W.

Stamps and Court Fees levied in the various Offices of the Court of Chancery in England, according to the Rules now in force upon the Subject.

Return as to - - - - - - - 242

COMMISSION.

Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith.

To Our right trusty and well-beloved Councillor Sir John Romilly,* Knight, Master of the Rolls in England, Our right trusty and well-beloved Councillor Francis Blackburne, Lord Justice of Our Court of Appeal in Chancery in Ireland, Our right trusty and well-beloved Councillor James Henry Monahan, Chief Justice of Our Court of Common Pleas in Ireland, Our right trusty and well-beloved Councillor Abraham Brewster, Our right trusty and well-beloved Councillor Joseph Napier, Our trusty and well-beloved Sir William Page Wood, Knight, a Vice-Chancellor, Our trusty and well-beloved Sir James Shaw Willes, Knight, One of the Justices of Our Court of Common Pleas in England, Our trusty and well-beloved Henry George Hughes, Esquire, One of the Barons of Our Court of Exchequer in Ireland, Our trusty and well-beloved Sir William Atherton,† Knight, Our Attorney General for England, Our right trusty and well-beloved Councillor Thomas O'Hagan,‡ Our Attorney General for Ireland, Our trusty and well-beloved Sir Roundell Palmer, Knight,§ Our Solicitor General for England, Our trusty and well-beloved James Anthony Lawson, Esquire,‖ Our Solicitor General for Ireland, Our trusty and well-beloved Sir Hugh MacCalmont Cairns, Knight, Our trusty and well-beloved George Markham Giffard, Esquire, One of Our Council learned in the Law, Our trusty and well-beloved Robert Bayly Follett, Esquire, and Our trusty and well-beloved Richard John Theodore Orpen, Esquire, greeting:

Whereas an humble Address has been presented to Us by the Lords Spiritual and Temporal in Parliament assembled, praying that We would be graciously pleased to issue a Royal Commission to inquire into the following Matters, with a view to reduce Costs to Suitors and the Expenditure of the Public Money, and to assimilate so far as may be practicable, the Administration of Justice in England and Ireland:

1. The Constitution, Establishment, Practice, Procedure, and Fees of the Superior Courts of Common Law in Ireland.
2. The Differences between the Constitution and the Forms of Practice, Procedure, and Fees of the Courts of Chancery of England and of Ireland.

Know ye, therefore, that We, reposing great Trust and Confidence in your Zeal, Discretion, and Integrity, have authorized and appointed, and do by these Presents authorize and appoint, you the said Sir John Romilly, Francis Blackburne, James Henry Monahan, Abraham Brewster, Joseph Napier, Sir William Page Wood, Sir James Shaw Willes, Henry George Hughes, Sir William Atherton, Thomas O'Hagan, Sir Roundell Palmer, James Anthony Lawson, Sir Hugh MacCalmont Cairns, George Markham Giffard, Robert Bayly Follett, and Richard John Theodore Orpen, or any Six or more of you, to make a diligent and full Inquiry into and to report upon the following Matters, with a view to reduce Costs to Suitors and the Expenditure of the Public Money,

* Lord Romilly in December 1863, from the pressure of his other engagements, resigned his position as Chairman of the Commission.

† Sir Wm. Atherton resigned the office of Attorney General from ill health in September 1863, and died 22nd of January 1864.

‡ Appointed Justice of Her Majesty's Court of Common Pleas, Ireland, January 1865.

§ Appointed Her Majesty's Attorney General for England in October 1863.

‖ Appointed Her Majesty's Attorney General for Ireland in January 1865.

and to assimilate, so far as may be practicable, the Administration of Justice in England and Ireland:

1. The Constitution, Establishment, Practice, Procedure, and Fees of the Superior Courts of Common Law in Ireland.
2. The Differences between the Constitution and the Forms of Practice, Procedure, and Fees of the Courts of Chancery of England and of Ireland.

And for the better Discovery of the Truth in the Premises, We do by these Presents give and grant to you, or any Six or more of you, full Power and Authority to call before you, or any Six or more of you, such and so many of the Officers and Clerks of Our said Courts, and all such other Persons as you shall judge necessary, by whom you may be the better informed of the Truth in the Premises, and to inquire of the Premises by all other lawful Ways and Means whatsoever.

And We do hereby give and grant unto you, or any Six or more of you, full Power and Authority to cause all or any of the Officers and Clerks of any of Our said Courts to bring and produce before you, or any Six or more of you, all Rolls, Records, Orders, Books, Papers, or other Writings belonging to any of Our said Courts, or to any of the Offices within the same.

And We do further by these Presents give and grant unto you, or any Six or more of you, full Power and Authority, when the same shall appear to be requisite, to administer an Oath to any Person or Persons whatsoever, to be examined before you, or any Six or more of you, touching or concerning the Premises.

And Our further Will and Pleasure is, that you do within One Twelvemonth after the Date of this Our Commission, or as soon as the same can conveniently be done (using all Diligence), certify to Us in Our Court of Chancery in England, under the Hands and Seals of you, or any Nine or more of you, what you shall have done in the Premises.

And We further will and command that this Our Commission shall continue in full Force and Virtue, and that you, Our said Commissioners, or any Six or more of you, shall and may from Time to Time proceed in the Exceution thereof, and of every Matter and Thing therein contained, although the same be not continued from Time to Time by Adjournment.

And We hereby command all and singular Our Justices of the Peace, Sheriffs, Mayors Bailiffs, Constables, Officers, Ministers, and all other Our loving Subjects whatsoever, as well within Liberties as without, that they be assistant to you, and each of you, in the Execution of these Presents.

And for your further Assistance in the Execution of these Presents, We have made choice of Our trusty and well-beloved William Neilson Hancock, Doctor of Laws, and Our trusty and well-beloved Henry Robert Vaughan Johnson, Esquire, to be Secretaries to this Our Commission, and to attend you, whose Services and Assistance We require you to use from Time to Time as Occasion may require.

In Witness whereof We have caused these Our Letters to be made Patent.

Witness Ourself at Westminster, the Thirteenth Day of December, in the Twenty-fifth Year of Our Reign.

By Warrant under the Queen's Sign Manual.

C. ROMILLY.

Seal.

SUPPLEMENTAL COMMISSION.

Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.

To Our right trusty and well-beloved Councillor Sir John Romilly, Knight, Master of the Rolls in England, Our right trusty and well-beloved Councillor Francis Blackburne, Lord Justice of Our Court of Appeal in Chancery in Ireland, Our right trusty and well-beloved Councillor James Henry Monahan, Chief Justice of Our Court of Common Pleas in Ireland, Our right trusty and well-beloved Councillor Abraham Brewster, Our right trusty and well-beloved Councillor Joseph Napier, Our trusty and well-beloved Sir William Page Wood, Knight, a Vice-Chancellor, Our trusty and well-beloved Sir James Shaw Willes, Knight, One of the Justices of Our Court of Common Pleas in England, Our trusty and well-beloved Henry George Hughes, Esquire, One of the Barons of Our Court of Exchequer in Ireland, Our trusty and well-beloved Sir William Atherton, Knight, Our Attorney General for England, Our right trusty and well-beloved Councillor Thomas O'Hagan, Our Attorney General for Ireland, Our trusty and well-beloved Sir Roundell Palmer, Knight, Our Solicitor General for England, Our trusty and well-beloved James Anthony Lawson, Esquire, Our Solicitor General for Ireland, Our trusty and well-beloved Sir Hugh MacCalmont Cairns, Knight, Our trusty and well-beloved George Markham Giffard, Esquire, One of Our Council learned in the Law, Our trusty and well-beloved Robert Bayly Follett, Esquire, and Our trusty and well-beloved Richard John Theodore Orpen, Esquire, greeting:

Whereas in pursuance of an humble Address presented to Us by the Lords Spiritual and Temporal in Parliament assembled, praying that We would be graciously pleased to issue a Royal Commission to inquire into the following Matters, with a view to reduce Costs to Suitors and the Expenditure of the Public Money, and to assimilate, so far as may be practicable, the Administration of Justice in England and Ireland:—

1. The Constitution, Establishment, Practice, Procedure, and Fees of the Superior Courts of Common Law in Ireland;
2. The Differences between the Constitution and the Forms of Practice, Procedure, and Fees of the Courts of Chancery of England and of Ireland;

We did by Our Letters Patent under Our Great Seal of Our United Kingdom of Great Britain and Ireland, bearing date the Thirteenth Day of December in the Twenty-fifth Year of Our Reign, authorize and appoint you, or any Six or more of you, to make a diligent and full inquiry into and to report upon the Matters aforesaid:

And for the better Discovery of the Truth in the Premises, We did by Our said Letters Patent give and grant to you, or any Six or more of you, full Power and Authority to call before you, or any Six or more of you, such and so many of the Officers and Clerks of Our said Courts, and all such other Persons as you should judge necessary, by whom you might be the better informed of the Truth in the Premises, and to inquire of the Premises by all other lawful Ways and Means whatsoever:

And We did thereby give and grant unto you, or any Six or more of you, full Power and Authority to cause all or any of the Officers and Clerks of any of Our said Courts to bring and produce before you, or any Six or more of you, all Rolls, Records, Orders,

Books, Papers, or other Writings belonging to any of Our said Courts, or to any of the Offices within the same:

And We did further give and grant unto you, or any Six or more of you, full Power and Authority, when the same should appear to be requisite, to administer an Oath to any Person or Persons whatsoever, to be examined before you, or any Six or more of you, touching or concerning the Premises, as by the said Letters Patent, amongst other Things therein contained, will more fully appear.

And whereas We have deemed it expedient that any Three or more of you Our said Commissioners should be enabled to act as a Quorum in the Execution of the Powers aforesaid in manner herein-after expressed.

Know ye therefore, that We have revoked and determined, and by these Presents do revoke and determine, so much and such Parts of the said recited Letters Patent as require the several Acts therein particularly mentioned to be done by any Six or more of you Our said Commissioners.

And We do hereby declare, that from henceforth it shall and may be lawful for any Three or more of you Our said Commissioners to do, execute, and perform all and every the Acts, Matters, and Things which by the said recited Letters Patent are directed to be done, executed, and performed by any Six or more of you Our said Commissioners.

In Witness whereof We have caused these Our Letters to be made Patent.

Witness Ourself at Westminster, the Eighth Day of July, in the Twenty-sixth Year of Our Reign.

By Warrant under the Queen's Sign Mannal.

C. ROMILLY.

Seal.

ENGLISH AND IRISH
LAW AND CHANCERY COMMISSION.

SECOND REPORT.

TO THE QUEEN'S MOST EXCELLENT MAJESTY IN HER HIGH COURT OF CHANCERY.

We, Your Majesty's Commissioners appointed "to make diligent and full inquiry into "and to report upon the following matters, with a view to reduce costs to suitors and "the expenditure of the public money, and to assimilate, as far as may be practicable, "the administration of justice in England and Ireland:

"1. The Constitution, Establishment, Practice, Procedure, and Fees of the Superior "Courts of Common Law in Ireland—

"2. The Differences between the Constitution and the Forms of Practice, Procedure, "and Fees of the Courts of Chancery of England and of Ireland"—

humbly certify to Your Majesty that we have proceeded further to consider the matters thus committed to our investigation, and we submit to Your Majesty this our second and final report.

In our former report we inquired into the diversity of practice and procedure in the Superior Courts of Common Law in England and Ireland, especially with reference to the several Common Law Procedure Acts in each country, and we recommended an assimilation as far as practicable in the practice and procedure at Common Law in both countries. We also inquired into the diversity in the practice and procedure of the Courts of Chancery in England and Ireland, and made similar recommendations for assimilating the practice and procedure of the Courts of Chancery of both countries. We inquired into and made recommendations as to the constitution and fees of the Court of Chancery in Ireland so far as it was necessary to enable us to recommend modifications consequent on assimilation. We also inquired into and made recommendations as to the practice of the Crown side of the Court of Queen's Bench in Ireland; as to accounts of unclaimed dividends in the Court of Chancery in Ireland; as to the appointment of Commissioners to take affidavits in Ireland; as to the arrangements for taking acknowledgments of married women; and as to the substitution of stamps for fees in the Court of Chancery in Ireland and in the Superior Courts of Common Law in England.

Costs in the Superior Courts of Common Law in England and Ireland.

The Commissioners who inquired into the process, practice, and system of pleading in the Superior Courts of Law at Westminster, in their final Report state that "the "Statutes which give to the parties a right to costs, are in a very confused and unsatis-"factory state; not only because the separate enactments of the older Statutes give rise to "a variety of decisions, but because subsequent Statutes have in some instances modified, "and in others partially repealed former enactments, so that it is extremely difficult to "ascertain what the real state of the law is on this subject;" * and they express an opinion that these Statutes should be revised and consolidated.

Since the date of that Report, no steps have been taken to carry out the revision and consolidation recommended.

In the course of our inquiries it appeared that the law of costs in the Superior Courts of Common Law in Ireland is also in "a confused and unsatisfactory position." †

Under these circumstances, with a view of having the Statutes relating to costs in the Superior Courts of Common Law in England and Ireland revised, consolidated, and assimilated, we appointed Mr. Jellett, of the Irish Bar, and Mr. Holland, of the English Bar, to draw up a statement upon the subject. Copies of the statements prepared for us by those gentlemen are annexed as an Appendix to our Report.‡

It appears that the Law of Costs in the Superior Courts of Common Law in England and Ireland is contained in a series of statutes, commencing as far back as the reign of

* Third Report, Superior Courts of Common Law Commissioners, 1860, p. 8.

† First Report of English and Irish Law and Chancery Commission, Appendix A.—Answers as to Practice and Procedure in Ireland, p. 127.

‡ Appendix U., p. 210.

King Edward the First, when the Statute of Gloucester (6 Edward I. c. 1.) was passed in 1278. The Statute of Gloucester was extended to Ireland by Poyning's Act (10 Henry VII. c. 22.), and subsequent Acts were passed for Ireland corresponding to most of the English Statutes; and since the passing of the Common Law Procedure Acts the practice as to costs has been substantially the same in both countries.

Messrs. Jellett and Holland, finding that a summary of the differences alone would not bring the whole subject of costs before us, have added separate statements as to the law of costs in each country.

Upon one branch of the subject questions were addressed by the Commissioners resident in Ireland to the Judges of the Superior Courts of Common Law in Ireland, and to some of the Nisi Prius Counsel, and to the Incorporated Society of Attorneys and Solicitors in Ireland. The answers received are annexed in an Appendix to our Report.*

Recommendations.

Upon this part of our inquiry we submit the following recommendations to Your Majesty:—

Interlocutory costs.

1. That interlocutory costs should be regulated by General Orders, or by the discretion of the Court, and not by statute.

Final costs.

2. That final costs should be regulated by Statute, upon the following general rule and with the following exceptions:

General Rule.—That the successful party, whether plaintiff or defendant, and whether he succeed by verdict, or by judgment on demurrer, or on judgment by default, should (save in the cases next herein-after excepted) be entitled to costs as of course.

Costs where verdict less than 5*l.* in tort, &c., and less than 20*l.* in contract.

Exceptions.—That when the plaintiff recovers in any way a sum less than 20*l.* in an action of contract, or than 5*l.* in any action of tort, except replevin, he should not be entitled to costs without the certificate of the Judge, Presiding Officer, or Court in his favour.

Judgment by default.

3. That sections 27 & 28 of the English Common Law Procedure Act, 1852, should be extended to Ireland, which provide that in case of non-appearance by the defendant where the writ of summons is specially endorsed, the plaintiff, on filing an affidavit of personal service of the writ, or a Judge's order for leave to proceed, and a copy of the writ, may sign final judgment for the sum endorsed on the writ and interest, and a sum for costs (to be fixed by the Masters, subject to the approval of eight Judges), unless the plaintiff claim more than such fixed sum, in which case the costs are to be taxed in the ordinary way; and that in case of such non-appearance where the writ is not specially endorsed, the plaintiff may file a declaration endorsed with a notice to plead in eight days, and sign judgment by default at the expiration of such time to plead; and in the event of no plea being delivered where the cause of action is for a claim which might have been specially endorsed, the judgment is final, and execution may issue as under Sec. 27; but the plaintiff is not in such case entitled to more costs than if he had specially endorsed the writ and signed judgment upon non-appearance.

Costs by general rules.

4. That costs should be regulated by Rules of Court in Ireland in all cases where they are regulated by Rules of Court in England; and that the statutable provisions inconsistent with this principle should be repealed.

Real actions.

5. That the provisions of Stat. 23 & 24 Vict. c. 126 ss. 26. and 27. should be extended to Ireland, so that real actions may be commenced by writ of summons issuing out of the Court of Common Pleas, as in an ordinary action, and that all proceedings and costs upon such writ should be the same as in ordinary actions.

Appeal from Quarter Sessions.

6. That the provisions of Stat. 12 & 13 Vict. c. 45. s. 11. should be extended to Ireland, so that an appeal from Quarter Sessions may be in the form of a special case, and the parties may agree that a judgment in conformity with the decision of the Superior Court, and for such costs as that Court shall adjudge, may be entered by either party at the Sessions next or next but one after the decision is given.

Special cases.

7. That Sects. 42 & 43 of the English Common Law Procedure Act, 1852, by which questions of fact may be tried without formal pleadings, and by which parties may make an agreement as to costs, should be extended to Ireland.

Fees, Taxes, and Compensation and Fee Fund, and Suitors' Fee Fund, in the Court of Chancery in Ireland.

In the year 1858, Commissioners, appointed by the Lords Commissioners of Her Majesty's Treasury, inquired into the duties of the officers and clerks of the Court of Chancery in Ireland, and they concluded their report with some general recommendations

* Appendix U., p. 206.

which they considered "quite indispensable to the permanent improvement of the "administrative offices of the Court.' The first of these recommendations was, "That "all fees in every department of the Court should be converted into stamp duties, and "the officers paid by salary only."

Notwithstanding this strong recommendation, no measures were adopted by the lature to carry it into effect, and by Treasury Minute, dated 26th January 1863, our attention was specially drawn to the circumstance that fees were still taken in money to a great extent in the Court of Chancery in Ireland.

We obtained returns* from the officers of the Court of Chancery in Ireland, showing as to each office the gross amount of fees received, and the quarterly and monthly accounts of fees and expenditure thereout, the fees now receivable in each office, and the amount produced by each kind of fee. We also obtained from all the officers of the Court of Chancery in Ireland receiving fees for their own benefit, returns† showing the particulars of such fees, and the amount of such fees for three years.

We also obtained returns‡ of the Chancery Fund Duties, levied under Stat. 4 Geo. IV. c. 78., and of the various accounts in the Accountant-General's Office, connected with fees and the payment of salaries and compensation to officers of the Court of Chancery in Ireland.

In our first report we dealt with this subject so far as to make a recommendation similar to that of the Treasury Commission of 1858, "That the fees of the Court of "Chancery in Ireland should be collected by stamps, and that such officers of that "Court as now receive fees for their own benefit should receive an equivalent income "by salary out of the fund produced by the stamps."

The returns to which we have referred show that the taxation levied on proceedings in the Court of Chancery in Ireland is accounted for in several different ways.

The taxes in the Masters' offices are chiefly levied by stamps called Chancery Fund Duties, whilst in the same offices fees are received which are accounted for to the Suitors' Fee Fund.

In the Rolls' office some of the fees are received by the officers for their own benefit, and others are, under Stat. 4 Geo. IV. c. 61., accounted for to the Consolidated Fund.

The fees to which the Lord Chancellor himself is entitled are accounted for to the Chief Secretary's office, and paid into Her Majesty's Treasury, so that there are five different methods of accounting for the fees and taxes received.

In the payment of the officers' salaries and expenses different methods are pursued; some officers are paid by the Paymaster of the Civil Service, some by the Accountant-General out of the Suitors' Fee Fund, some by the heads of the departments by way of deduction from the fees before they reach the Suitors' Fee Fund, and some are paid partly by the Accountant-General, and partly by fees for their own benefit, and others are paid entirely by fees for their own benefit.

We are of opinion that this complication of accounts is attended with trouble and expense, and that a uniform system of taxing Chancery proceedings and expending public money should be adopted in all the offices of the Court. That all taxes, or fees, or payments in the nature of taxes on proceedings in the Court of Chancery in Ireland, should be levied by stamps and carried to one account, and that the fund so created should be considered the primary fund for the payment of the salaries of all the officers of the Court of Chancery in Ireland holding other than judicial offices.

The Suitors' Fee Fund of the Court of Chancery in Ireland is at present complicated by being connected with two other accounts—the interest and produce of the Compensation and Fee Fund of the Court of Exchequer in Ireland, and the interest and produce of the Compensation and Fee Fund of the Court of Chancery in Ireland.

It appears§ that the balance to the credit of the account of the Compensation and Fee Fund of the Court of Exchequer in Ireland, in 1862, was 27,311*l.* 15*s.* 5*d.*, producing an annual income of about 800*l.* a year.

The compensations charged primarily on this Fund for officers of the Court of Exchequer, whose offices were abolished in 1850, are returned‖ as amounting in 1862 to 4,165*l.* 18*s.* 4*d.* a year, a charge which the produce of the fund was wholly unable to meet.

Statute 13 & 14 Vict. c. 51. for the transfer of the equity jurisdiction of the Court of Exchequer to the Court of Chancery in Ireland, declared the equity Exchequer compensations under it to be also a charge on the Compensation and Fee Fund of the Court of Chancery in Ireland, and upon the Suitors' Fee Fund of the latter Court.

* Annexed in Appendix T., p. 174. † Ibid., p. 190. ‡ Ibid., p. 195.
§ Ibid., p. 200. ‖ Ibid., p. 198.

At the time when this Act was passed and for some years afterwards the Suitors' Fee Fund in the Court of Chancery in Ireland was more than sufficient to meet all the engagements upon it, and a surplus fund had accumulated, so that there was 11,516*l.* 18*s.* 4*d.* in cash and 12,586*l.* 16*s.* 10*d.* in stock, to the credit of this account.*

But two Acts passed in 1849, when they came into full operation, seriously affected the financial position of the Court. The jurisdiction of the Incumbered Estates Court, established by Stat. 12 & 13 Vict. c. 77., had the effect of stopping a large number of Chancery suits; and by Stat. 12 & 13 Vict. c. 95. the power of appointing Receivers by the Court of Chancery was considerably restricted.

Whilst the revenues of the Court were thus diminished, increased charges were placed on the several funds by the compensations to the officers of the Equity Exchequer already referred to, and by the compensations consequent on the passing of the Chancery Regulation Act of 1850.

The Suitors' Fee Fund has been for some years insufficient to meet the charges upon it, and the deficiency is charged to the Consolidated Fund. It appears, however, that the Exchequer compensations, instead of being paid directly from the Consolidated Fund, are paid out of the Suitors' Fee Fund, this increase making the deficiency of the Fund appear so much larger.

As the jurisdiction as to sales in the Incumbered Estates Court has been made perpetual in the Landed Estates Court, the causes which have effected a decrease in the Chancery Fees since 1850 are likely to be permanent, and the Compensation Fund and Fees are not likely to be more than sufficient to provide for the officers of the Court.

We are of opinion, therefore, that all the Exchequer Compensations above the total amount of 800*l.* a year should be paid directly out of the Consolidated Fund, and that all charges in favour of the Consolidated Fund against each of the Chancery Funds on account of past Equity Exchequer compensations, should be remitted; and we recommend that as soon as the last of the Equity Exchequer compensations shall cease, the Exchequer Compensation and Fee Fund should be amalgamated with the Chancery Compensation and Fee Fund.

The Chancery Compensation and Fee Fund in Ireland has never been as large in proportion to the staff of the Court as the Chancery Compensation and Fee Fund in England. The unemployed cash of the Suitors of the Court of Chancery in Ireland was diminished from an early period by grants† for the building of the Four Courts in Dublin, at different times, commencing so far back as 1790, on the same principle as the funds of the Suitors of the Court of Chancery in England are to be applied to the building of Courts of Justice in London, under the Act of last Session.

Compensations charged on the Compensation and Fee Fund of the Court of Chancery in Ireland have, from the deficiency of this fund, been paid out of the Suitors' Fee Fund, although itself deficient to bear its proper charges, and so have increased the apparent deficiency of the latter fund, and have been in effect paid out of the Consolidated Fund.

This circuitous process, by which the deficiency of the Compensation and Fee Fund of the Court of Chancery in Ireland is charged upon the Consolidated Fund through the Suitors' Fee Fund, has, in our opinion, introduced unnecessary complication in the Chancery accounts.

We have made recommendations‡ which will effect reductions in the cost of the official staff of the Court of Chancery in Ireland, and in the amount of payments for superannuation hereafter chargeable; and the simplification of the accounts which we have recommended would further contribute to economy in the official arrangements.

We are of opinion that for the future all payments for compensation or superannuation should be paid primarily out of the produce of the Compensation and Fee Fund of the Court of Chancery, and that the deficiency of that fund, if any, should be paid directly out of the Consolidated Fund; and that the fund produced by the entire taxation on the proceedings of the Court should be directly applied to the payment of the entire staff (except judicial Officers) and the surplus carried to the Consolidated Fund.

The recommendations which we submit to Your Majesty on this part of our inquiry are:—

Recommendations.

1. That all the taxes levied on proceedings in the Court of Chancery in Ireland, whether as Chancery Fund Duties, or stamps substituted for fees accounted for to the

* Return as to Court of Chancery (Ireland), Par. Pap. 1853, No. 539.
† Appendix T., p. 201. ‡ Infrà, p. xxvi.

Suitors' Fee Fund, or for fees accounted for to the Treasury, or for fees received by officers for their own benefit, should be carried to one common account.

2. That the fund so created should be considered the primary fund for the payment of the salaries of all officers of the Court of Chancery in Ireland holding other than judicial offices.

3. That the payments for compensation to the officers of the late Equity Exchequer, under the provisions of Stat. 13 & 14 Vict. c. 51., for the transfer of the equitable jurisdiction of the Court of Exchequer to the Court of Chancery in Ireland, should for the future, so far as they exceed the produce of the Exchequer Compensation and Fee Fund (800*l.* a year), be paid directly out of the Consolidated Fund.

4. That all charges on account of past Equity Exchequer compensations against either the Chancery Compensation and Fee Fund, or Suitors' Fee Fund in Chancery, should be remitted, and that as soon as the last of the compensations charged upon the Exchequer Compensation and Fee Fund shall expire, that fund should be transferred to the Chancery Compensation and Fee Fund.

5. That for the future all payments for compensation or superannuation in the Court of Chancery in Ireland should be kept distinct from payments for current salaries, and that the deficiency of the produce of the Compensation and Fee Fund of the Court of Chancery in Ireland to meet charges for compensation or superannuation, should be paid directly out of the Consolidated Fund, and the surplus, if any, carried to the Consolidated Fund.

6. That any surplus in the produce of the entire taxation on proceedings in the Court of Chancery in Ireland, after payment of salaries, should be carried to the Consolidated Fund.

Practice, Procedure, and Fees at Common Law and in Chancery in Ireland.

Practice of delivering copies of pleadings at Common Law.

In England the practice of the Superior Courts of Common Law is for the parties to deliver to their opponents the pleadings. The pleadings are not filed except sometimes the declaration, and that only in rare cases. In Ireland the pleadings are filed in every case. The Masters of the Superior Courts of Common Law in Ireland, in their evidence before us,* stated that if the English practice were adopted there would be a great diminution of the business to be transacted in the offices; and the number of Clerks in the Pleadings and Record departments of the Courts might be reduced so as to effect a saving of expense. There would also be a permanent saving by having the rolls of the Court relieved of the mass of records now arising from pleadings in uncontested suits.

Power of restraining trustees from transferring stock.

In England, by Stat. 5 Vict. c. 5. s. 5., a cestuique trust can restrain his trustees from transferring stock. There is no similar statutable provision in Ireland. We think that the law of the two countries ought in this respect to be assimilated.

Taxation of costs after death of parties.

The rule of the Courts of Chancery of England and of Ireland, that costs in personal decrees cannot be taxed or recovered after the death of the party by whom or to whom they are decreed to be paid, frequently produces great hardship and injustice, and ought, we think, to be abolished.

Changes in fees to attorneys and solicitors in Ireland consequent on assimilation.

By the adoption of the recommendations in our first Report as to assimilation, many of the fees hitherto paid to attorneys and solicitors in Ireland will cease, and other fees will become inapplicable to the duties which the solicitors and attorneys will have to perform. The fixing of the scale of fees has hitherto been, and should, we think, continue to be entrusted to the Judges of the Superior Courts of Common Law and the Court of Chancery respectively. Immediately after the passing of the Statutes introducing changes in practice and procedure, the Judges should be required to settle new tables of fees, so as to have them ready prior to the period fixed for the changes in practice and procedure coming into operation.

Upon this part of our inquiry we submit the following recommendations to Your Majesty:—

Recommendations.

1. That the English practice for the parties to deliver copies of the pleadings to their opponents should be extended to Ireland.

2. That the provisions of Stat. 5 Vict. c. 5. s. 5. for a restraint by distringas on stock, should be extended to Ireland.

3. That the rule of the Courts of Chancery of England and of Ireland that there cannot be revivor for costs alone, after the death of a party by whom or to whom costs are ordered to be paid, should be abolished.

---

* Appendix L., p. 88, Question 144, et seq.

4. That provision should be made for empowering the Judges of the Superior Courts of Law and the Court of Chancery in Ireland, to settle new tables of fees to be allowed to attorneys and solicitors in Ireland, rendered necessary by a change of practice or procedure, and to vary such tables from time to time, as the Judges in their discretion shall think proper.

Practice, Procedure, and Fees on the Crown Side of the Court of Queen's Bench in Ireland.

Preparation of books for Judges.

In England books for the Judges in law arguments on the Crown side are prepared by the parties; in Ireland such books are prepared in the Crown Office. The English practice in this respect appears to us to be preferable, and ought, we think, to be adopted in Ireland.

Scale of Court fees, and conversion of same into stamps.

The Court fees on the Crown side of the Court of Queen's Bench in Ireland, as fixed by Statute 2 Will. IV. cap. 48., are higher than the corresponding Law Fund duties which were more recently fixed on the Civil side by the Irish Common Law Procedure Act of 1853. Thus the Court fee for copies of documents on the Crown side is exactly double the duty on copies of similar documents on the Civil side, being 8*d.* per folio in the former case, and 4*d.* per folio in the latter. The Court fee on taxation of costs on the Crown side is also much higher than the corresponding duty on the Civil side, thus:—

Costs.	Fee on Crown side on costs allowed.	Duty on Civil side on costs furnished.
£ £	£ s. d.	£ s. d.
5 to 20	0 5 0	0 2 0
20 to 50	0 10 0	0 5 0
50 to 100	1 0 0	0 10 0
Above 100	1 10 0	1 0 0

The Court fees charged on the Crown side of the Court of Queen's Bench in Ireland are also much higher than the fees on the corresponding proceedings on the Crown side of the Court of Queen's Bench in England, as fixed by the Lord Chief Justice and Judges under Statute 6 & 7 Vict. cap. 20.; thus:—

	Crown side, Ireland.	Crown side, England.
	£ s. d.	£ s. d.
Writ of Mandamus	0 12 6	0 5 0
Writ of Exigent	0 12 6	0 5 0
Striking Special Jury	2 2 0	1 1 0
Filing affidavit or other proceeding	0 3 0	0 1 0
Search for every Term	0 3 0	0 1 0

In some cases the Court fees are peculiarly heavy; thus, for enrolments the charge is for each roll of ten folios, 10*s.*, which is at the rate of 1*s.* a folio; and 10*s.* appears to be the lowest charge in any case. In England the Court fee for enrolling interrogatories and answers is 4*d.* per folio, which is only one-third the rate of the Irish fee, and the lowest charge may be much below 10*s.*

Scale of costs to suitors.

The fees to be allowed to attorneys on taxation of costs for proceedings on the Crown side of the Court of Queen's Bench in Ireland are not fixed by any General Orders, as they are on the Civil side under the provisions of the Irish Common Law Procedure Act of 1853. The scale of fees is higher on the Crown side of the Court of Queen's Bench than on the Civil side.* We think that the two scales ought to be assimilated, but that the amount to be allowed to attorneys on both sides of the Court ought to be fixed by General Orders by the Judges of the Court. As to the scale the Judges should adopt, in the exercise of the powers we recommend to be entrusted to them, we have not made inquiry, and we express no opinion.

In our first Report we recommended that the Court of Queen's Bench in Ireland should be provided with powers similar to those of the Court of Queen's Bench in England, and that the proceedings and practice adopted in England on the Crown side of the Court of Queen's Bench should be extended to Ireland.

The changes our recommendations would produce are likely to be very beneficial to suitors, and by making the proceedings in this important branch of jurisdiction cheaper, simpler, and more certain, they are calculated to increase the number of applications to the Court; so that a lower scale of stamp duties will probably be as productive to the Exchequer as the high Court fees at present imposed.

* Appendix M., p. 95.

Upon this part of our inquiry we submit the following recommendations to Your Majesty:—

Recommendations.

1. That the English practice of having books for the Judges in law arguments on the Crown side prepared by the parties, should be adopted in Ireland.

2. That stamps should be substituted for Court fees on the Crown side of the Court of Queen's Bench in Ireland.

3. That the conversion of Court fees into stamps, on the Crown side of the Court of Queen's Bench in Ireland, could be most conveniently carried out by extending the Law Fund duties, already in use on the Civil side of the Court, to the corresponding proceedings on the Crown side, and by adding new duties appropriate to the peculiar business of the Crown side, and of such amount as the Judges, with the assent of the Lords Commissioners of Her Majesty's Treasury, shall determine.

4. That provision should be made for empowering the Judges of the Court of Queen's Bench in Ireland to settle new Tables of Fees to be allowed to attorneys for business on the Crown side of the Court of Queen's Bench in Ireland, rendered necessary by a change of practice and procedure, and to vary such tables from time to time as the Judges in their discretion shall think proper.

Official Establishment on the Crown Side of the Court of Queen's Bench, Ireland.

The establishment of the Crown Office consists* of one principal officer called "The "Clerk of the Crown, Coroner, Attorney to the Queen, and Master of the Crown Office," and one Clerk. The present principal officer has, however, for some years employed a second Clerk at his own expense, and we are satisfied by his evidence that a second Clerk is necessary for the public service, and ought to be added to the regular staff. By Stat. 2 Will. IV. c. 48., the salary of the principal officer is fixed at 900*l.* a year, charged on the Consolidated Fund; and the salary of a Clerk at 100*l.* a year, also charged on the Consolidated Fund. An arrangement was, however, made on the appointment of the present principal officer that he should pay out of his salary 100*l.* a year to his Chief Clerk, raising the salary of that officer to 200*l.* a year. The principal officer suffers a further reduction from his salary of 91*l.*, which he voluntarily pays to the second Clerk in the Crown Office. The Chief Clerk receives besides certain fees for scrivenery. But our recommendations in our first Report, that parties should not be required to take out office copies of documents, will diminish the emoluments of the Chief Clerk.

We think it an objectionable arrangement to have the Chief Clerk's pay derived from three sources—partly from the Consolidated Fund, partly from his superior officer, and partly from fees; and as a second Clerk is necessary for the public service, his salary should not be deducted from the salary of the Clerk of the Crown. The Crown Office at present produces fees, accounted for to the Treasury, which in 1863 amounted to 348*l.*; and with the increased business likely to arise in the Court, these fees may be expected to increase. The salary of the Clerk of the Crown should, as at present, be paid out of the Consolidated Fund, but should be reduced to the actual amount of 800*l.* a year, at which the present Officer was appointed. He should, however, be relieved from the further deduction of 91*l.* which he pays for maintaining a second Clerk, and should receive his 800*l.* salary undiminished. The salary of the Chief Clerk should be fixed at a scale of from 200*l.* to 300*l.* a year, in lieu of all emoluments, and the Junior Clerk at from 100*l.* to 150*l.* a year—being the scales now fixed for the first and second class Clerks on the Civil side of the Court. Both Clerks should, as in the case of the Clerks on the Civil side of the Court, be placed on the annual votes of Parliament.

Upon this part of our inquiry we submit the following recommendations to Your Majesty:—

Recommendations.

1. That the statutable salary of the Clerk of the Crown, as fixed by Stat. 2 Will. IV. c. 48., should be reduced to the sum of 800*l.* actually received by him, but that he should be relieved from the further deduction of 91*l.* for the expense of maintaining a second Clerk in the Crown Office.

2. That the Chief Clerk in the Crown Office should be paid by salary alone, no part of which should be charged on the Consolidated Fund, but that the whole of such salary should be placed on the annual votes of Parliament, on the scale of 200*l.* to 300*l.* a year—being the scale of salary now fixed for first Clerks on the Civil side of the Court.

3. That the present Chief Clerk should receive, in addition to his salary of 200*l.*, a rise of salary equivalent to, and in lieu of, his emoluments by way of fees for copying documents.

---

* Appendix C., p. 32.

4. That the second Clerk of the Crown Office should be paid out of the annual votes of Parliament, on the scale of 100*l.* to 150*l.* a year—being the scale of salary now fixed for second Clerks on the Civil side of the Court.

The Practice and Procedure as to the Law of Judgments in Ireland.

On the completion of our First Report, we directed our attention to the Law of Judgments in Ireland.

We found the Law of Judgments of the Superior Courts of Common Law in Ireland, and the practice, process, and procedure thereon, to be in a very complicated and unsatisfactory state, and to differ in some material respects from the law of England on that subject.

Mr. Monahan's statement on the Law of Judgments in Ireland.

With a view to the amendment of the Law of Judgments in Ireland, and its assimilation as far as practicable to the Law of Judgments in England, we employed Mr. James H. Monahan of the Irish bar to prepare a statement of the Law of Judgments in Ireland, with such suggestions for the simplification and improvement thereof as might occur to him. The statement he has prepared we annex as an Appendix to our Report.*

His statement was made to us previously to the passing of the Act of 1864, 27 & 28 Vict. c. 112., which has effected extensive changes in the Law of Judgments in England, as well as previously to the passing of the Record of Title (Ireland) Act, 1865 (28 & 29 Vict. c. 88.), which has effected changes in the Law of Judgments in Ireland, but we have taken the provisions of those Statutes also into consideration.

Difference between Law of Judgments in Ireland and in England.

The difference between the Law of Judgments in Ireland and in England relates almost entirely to the effect of judgments upon the estate of the judgment debtor in land, and has arisen from the different way in which judgments have for upwards of a century and a half been dealt with in the two countries, in consequence of the difference in the laws with regard to land.

General Registry of deeds in Ireland.

The principal existing difference in the law with regard to land arises from the General Registry of Deeds, which has existed in Ireland since the year 1707, whilst there are Registers in only a small part of England—Yorkshire, Middlesex, and Bedford Level.

The provisions of the Irish Act for Registration of Deeds, 6 Anne (Irish), c. 2., has rendered the ownership of the legal estate and the possession of title deeds by a mortgagee or incumbrancer, which is of so great importance in England, comparatively immaterial in Ireland.

Roman Catholic disabilities as to property in land and as to elegits.

Shortly prior to the establishment of the General Registry of Deeds in Ireland, another Act, respecting property in land in Ireland, came into operation, which had a very great effect in encouraging judgments as securities on land, and in discouraging mortgages. This Act was Stat. 2 Anne, c. 6. (Irish), passed in 1703.

By this Act (s. 6.) Roman Catholics were made incapable of purchasing land (except leaseholds not exceeding thirty-one years, at a rent of not less than two-thirds of the value), or of having land (except as aforesaid) purchased upon any trust or confidence for their use and benefit.

By the 10th section, lands of which Roman Catholics in Ireland were or should be seized were made subject to the law of gavelkind, unless the eldest son was a Protestant; and by the 14th section, all debts and incumbrances on the real estate of any Roman Catholic were required to be enrolled within six months in the Court of Exchequer, and in default of such enrolment such debts and incumbrances were declared not to charge the lands of any Roman Catholic when and during such time as they should belong to a Protestant.

Upon the construction of this Act it was held that judgments obtained by Roman Catholics, or for the benefit of Roman Catholics, were not within the meaning of the Act, and that the Act, so far as it required the enrolment of debts and incumbrances affecting real estates, did not apply to judgments of the Superior Courts. It was also held that a Roman Catholic might confess a judgment to another Roman Catholic, even though such judgment might be without any consideration.

The effect of this Statute was very considerable, for Roman Catholics then, as now, formed a large proportion of the population of Ireland, and the Statute gave to judgments, as securities for money lent by or to Roman Catholics, advantages over deeds affecting real estates. It also gave a peculiar effect to judgments as securities for the settlements of the property of Roman Catholic proprietors of land. Devices were adopted by such proprietors by which their estates were affected by judgments of greater value than the estates themselves; and these judgments, being held by Roman Catholics, or by trustees for them, rendered such estates of no value to Protestants claiming them under the penal laws against Roman Catholics.

* Appendix A., p. 1.

There was authority in favour of the opinion that under this Act the right to sue out an elegit was suspended while the judgment remained vested in a Roman Catholic; and this opinion induced the holding over of judgments as charges, by impeding their immediate execution.

Assignability of judgments in Ireland.

That the use of judgments as a security for money became very prevalent in Ireland appears from the recital of the Act passed in 1735, which made certain judgments legally assignable in Ireland (Stat. 9 Geo. II. c. 5.) (Irish), in which it is stated that "judgments, statutes staple, and statutes merchant, are frequently assigned for valuable "considerations, and to protect the purchase of estates."

The Act of 9 Geo. II., for making judgments assignable, was temporary in the first instance. It was, however, amended by Stat. 25 Geo. II. c. 14. (Irish) in 1751, was revived after it expired in 1769–70, and was made perpetual in 1771–72 by Stat. 11 and 12 Geo. III. c. 19. (Irish).

Towards the close of the 18th century, by the successive Emancipation Acts of 1782 and 1793—Stats. 21 & 22 Geo. III. c. 24. (Irish), and 33 Geo. III. c. 21 (Irish)—the disabilities of Roman Catholics, so far as regarded the holding of land and suing on elegits, were removed.

Continued use of judgments as securities after removal of Roman Catholic disabilities.

The effects, however, of the General Registry in doing away practically with the differences between legal and equitable mortgages still continuing in force, the use of judgments as a security for money seems to have prevailed to as great an extent as ever. For in 1802 the present Lord Chief Justice of Ireland, in his treatise of Proceedings by Elegit for the Recovery of Judgment Debts, says—

"The practice of borrowing money upon bond with warrant of attorney for confessing "judgment having so long existed in this country, it is not surprising that judgments "should have become a very prevailing species of private security."*

And he adds, that the sanction which the Legislature had given to the assignment of judgments had contributed to the same effect.

Abolition of writs of custodiam and introduction of receiver system in 1835.

The law and practice as to judgments in Ireland continued undisturbed until 1835, when, by Stat. 5 & 6 Will. IV. c. 55. proceedings by Writs of Custodiam (except for debts due to the Crown) were abolished, and the appointment of receivers by the Courts of Equity on a summary petition was introduced.

Besides its direct effect in abolishing Writs of Custodiam, the Statute had the indirect effect of leading to the disuse of Writs of Elegit, as the appointment of a receiver was a much more satisfactory and effectual remedy for the creditor than an elegit; and when in 1840 the powers of the Courts of Equity in appointing receivers were still further extended by Stat. 3 & 4 Vict. c. 105. the use of elegits upon judgments became almost obsolete.

Establishment of Judgment Registry Office in 1844.

In 1844 the Judgment Registry Office was established in Ireland by Stat. 7 & 8 Vict. c. 90., but the provision requiring judgments to be registered every five years was not adopted until 1850 by Stat. 13 & 14 Vict. c. 29.

Changes in Law of Judgments in 1849.

In 1849 the Incumbered Estates Court was established by Stat. 12 & 13 Vict. c. 77., and the Commissioners were enabled to sell land discharged of incumbrances with a Parliamentary title. The Incumbered Estates Court was continued by successive enactments and finally was converted in 1858 into a perpetual Court under the title of "The Landed Estates Court," with Judges having more extensive powers to sell land discharged of incumbrances.

On the passing of the Act constituting the Incumbered Estates Court which gave judgment and other creditors such prompt and effectual means of realizing landed securities by a judicial sale of the land, it became the policy of the Legislature to discourage and restrict the remedy of appointing receivers, which had led to great evils and abuses, and had placed large quantities of property under the official management of the Court of Chancery and the Court of Exchequer.

Restrictions as to receivers after 1849.

Accordingly, in 1849, the year in which the Incumbered Estates Court was established, an Act was passed (12 & 13 Vict. c. 95.) which provided that no receiver should be appointed on foot of any judgment entered up after the 1st of August 1849, (except on judgments entered up before the 31st of December 1849, on powers of attorney executed before 1st August 1849,) unless the sum due for principal and interest, exclusive of costs and all just and fair allowances, exceeded 150*l*.

This Act further provided that no receiver should be appointed in respect of any judgment entered up after the 1st of August 1849, until the expiration of one year after the entering up of the judgment.

* Proceedings by Elegit for the Recovery of Judgment Debts. By Thomas Lefroy, Esq.

Prior to 1849 the Courts of Equity were in the habit of giving the judgment creditor who had procured the appointment of the receiver the costs of the appointment, as salvage costs, even though the funds collected by the receiver could never reach the judgment creditor's demand.

To discourage creditors who had slight chance of being paid from applying for receivers merely for the sake of the costs, the Act of 1849 provided that the cost of petitions for receivers on foot of judgments entered up after the 1st of August 1849, should in every case be payable in the same priority as the judgments.

In 1850 further restrictions were placed on the appointment of receivers by Stat. 13 & 14 Vict. c. 29. s. 1., which provided that no receiver should be appointed in respect of any judgment entered up after the 15th of July 1850, nor over any lands purchased after that date.

In 1856 still further restrictions were interposed on the appointment of receivers, by Stat. 19 & 20 Vict. c. 77. which provided that "The Court of Chancery may have "regard to the amount of the charge and of the rental of the estate, and also to the "other remedies and securities (if any) possessed by the person entitled to the charge, "and to the other circumstances of the case; and if the Court shall be of opinion that "the appointment of a receiver is unnecessary or inexpedient, or would not be productive "of substantial benefit to the person entitled to the charge, it shall be lawful for the "Court to decline or postpone appointing a receiver, and the costs of any application "for the appointment of a receiver shall be in the discretion of the Court."

By the third section no receiver can be appointed in respect of any judgment, when the sum does not exceed 150*l.*, nor when the rental of the estate over which the receiver is sought to be appointed shall not exceed 100*l.* per annum. The section concludes with a proviso that nothing therein contained shall prevent the making of any order to extend a receiver already appointed.

Writs of elegit.

The writ of elegit had fallen into disuse in 1835, when the power of appointing receivers was first created by Stat. 5 & 6 Will. IV. c. 55. and these writs became obsolete after the extension of the power of appointing receivers given in 1840 by Stat. 3 & 4 Vict. c. 105. In 1850, when the Legislature so largely restricted the power of appointing receivers, precautions were taken against any revival of writs of elegit, the abuse of which before 1835 had been one of the causes which led to the receiver-system being established. And it was provided by Stat. 13 & 14 Vict. c. 29. that no writ of elegit should issue upon any judgment entered up after the 15th of July 1850, and that no lands purchased after that date should be taken in execution upon any writ of elegit sued upon any judgment entered up before the 15th of July 1850.

This Statute was in effect as complete an abolition of the writ of elegit as could be made with due regard to the then existing rights of creditors upon judgments prior to the passing of the Act.

This virtual abolition of the writ of elegit in Ireland, which has now prevailed for 15 years, is based on the efficiency of the remedy for realizing a judgment by a sale in the Landed Estates Court.

In England, where a Landed Estates Court has not been established, the writ of elegit is still in use, but Stat. 23 & 24 Vict. c. 38. the operation of which is confined to England, requires the registration of the writ of execution in order to bind purchasers, and the Statute of 1864 (27 & 28 Vict. c. 112.), also confined to England, requires land to be actually delivered in execution under the writ before the judgment can affect the land as against purchasers.

Changes in Law of Judgments, in England introduced by Mr. Hadfield's Act.

The Act of 1864 (Stat. 27 & 28 Vict. c. 112.) has effected a change in the law of Judgments in England, which creates a further important difference between the laws on the subject in the two countries.

This Statute in effect puts an end to future judgments being permanent charges on land in England, as it is provided that no judgment shall affect any land until such land shall have been actually delivered in execution.

Different classes of Judgments in force in Ireland.

The class of judgments at present in force in Ireland which involve the largest amount of money are judgments registered before 1849, and re-registered every five years since. They are, as the law now stands, equitable charges on land requiring to be re-registered every five years, and are legally assignable. The next largest class consist of judgment mortgages under the Act of 1850. They are legal mortgages, and do not require to be re-registered, and are legally assignable as mortgages. Besides these leading classes, there are judgments since 1850 registered as judgments, but not as judgment mortgages; judgments entered up between the 1st of August 1849, and the 15th of July 1850, and above 150*l.*, and judgments entered up between the same dates and

below that amount. The different position of these classes as to the rights of the creditors, their priorities and remedies are fully detailed in Mr. Monahan's statement.

The Judgment Mortgage Act of 1850 considered.

Judgment mortgages were created by the Act of 1850 (Stat. 13 & 14 Vict. c. 29). In the same session another Act was passed, the Registration of Deeds (Ireland) Act (13 & 14 Vict. c. 72.), for the registration of assurances of lands in Ireland by means of the Ordnance Maps and of Land Indexes. The registration was to commence when notice was given in the *Dublin Gazette* of the Indexes having been completed. The Indexes not having been made, the Act has never come into operation. It appears from a recital in the 63rd section of the latter Act, that it was expected that judgments would, after 1850, be registered in the Office for the Registry of Deeds alone. This object of the framers of the legislation of 1850 has not been realized; for by a provision of the Irish Bankruptcy Act of 1849, re-enacted in 1857, it is provided, that all judgments not registered within 21 days in the Office for the Registry of Judgments shall be void as against the assignees of bankrupts and insolvents, and hence it is the duty of solicitors to register, in the Judgment Office, all judgments not paid within 21 days; and we have ascertained that in the year 1864, whilst 5,544 judgments were entered up in the three Superior Courts of Common Law in Ireland, no less than 4,272 judgments were registered in the Office of the Registrar of Judgments.

The effect of the Judgment Mortgage Act is, therefore, that as to judgments sought to be made charges on land, there is usually a double registration, the judgment is registered in the Office for the Registration of Judgments under the Bankruptcy Act, and the affidavit in the Office for the Registration of Deeds under the Judgment Mortgage Act.

The operation of the Judgment Mortgage Act during the past fourteen years has also given rise to much difficulty and litigation, and the decisions upon it, establishing that the effect of the registry may be entirely defeated by minute and apparently trifling inaccuracies in the form or in the substance of the affidavit, have prevented the Act from affording to judgment creditors the same security as they had under the law in Ireland prior to 1850.

Some of the chief objections to the Statute are thus noticed by Mr. Monahan in his statement:—

"The creditor, no matter how small the amount due to him on foot of his judgment, "can, without any notice to the debtor, and by a purely *ex-parte* proceeding, divest the "whole of the debtor's estate in lands of any value, and vest them in himself.

"If the debtor's estate is legal and vested in possession, the creditor without any "demand of possession, can immediately, after registering his affidavit, bring an action of "ejectment on the title.

"When once a judgment, no matter how small the amount due in respect of it, has "been registered as a mortgage, all dealings of the debtor with his tenants, and all "leases afterwards made by him, are liable to be impeached."

Record of Title Act (*Ireland*), 1865.

In the last session of Parliament a further change was made in the Law of Judgments in Ireland, and a third system of registration of judgments was established by the Record of Title Act (*Ireland*), 1865, (Stat. 28 & 29 Vict. c. 88.). By the 42nd section of this Act it is enacted that no judgment shall be a charge upon land recorded under the Act, unless and until a memorandum of the same, in such form and with such verification or other evidence as the Landed Estates Court, Ireland, may by general rule direct, shall be lodged with the officer for the time being of that Court, and that it shall not be necessary to register or file any affidavit in the Registry of Deeds Office for the purpose of making a judgment a charge on recorded land. And by the 43rd section of the same Act it is enacted that judgments entered on the Record (*i.e.*, on the books to be kept for the recording of titles pursuant to the Act in the Landed Estates Court) by the lodgment of a verified memorandum, and the entry of an official note as therein mentioned, shall be re-entered before the end of every five years from the entry thereof by the like means; and that no judgment shall be of any force or effect as against a purchaser for valuable consideration, or mortgagee of a recorded estate, unless the same shall have been entered or re-entered on the Record within five years previous to the date of the recording of his purchase or mortgage; and that no such purchaser or mortgagee shall be affected by notice, express or implied, of any judgment.

Result of inquiries.

As the result of our inquiries on the Law of Judgments, it appears that while in England the tendency of the whole course of legislation down to and inclusive of the Act of 1864 (27 & 28 Vict. c. 112.), has been to reduce a judgment to a step in the course of procedure for the recovery of a debt, insomuch that by the last-mentioned Act it is provided that "no judgment to be entered up after the passing of the Act shall

" affect any land of whatever tenure until such land shall have been actually delivered " in execution by virtue of a writ of elegit or other lawful authority;" in Ireland, on the other hand, the legislation down to and inclusive of the Record of Title Act, 1865, has been in the opposite direction, and judgments affect land in Ireland prior to and entirely independent of execution, and the writ of elegit has there been virtually abolished.

The extent to which this difference in the course of legislation has affected the position of judgments in the two countries appears from a return* showing that in Ireland no less than 11,611 judgments estimated to be securities for upwards of 12,000,000*l.* have been re-registered within the five years ending the 31st of December 1864, and so far appear not to have been immediately executed; whilst in England and Wales the number of judgments re-registered in the five years ending 1863 was only 1,778.† Again, under the Judgment Mortgage Act, 12,000 statutable mortgages of land in Ireland, estimated to be securities for 4,000,000*l.*, have been created by the registration of affidavits as to judgments under that Act.

The difference between the laws of the two countries as regards judgments is not one of mere practice and procedure, but extends to the Law of Bankruptcy, the jurisdiction of the Landed Estates Court, the Registry of Deeds, the Law of Debtor and Creditor, and, generally, to the Law of Property in Land; and we found, as our inquiry proceeded, that the question of the simplification and amendment of the Law of Judgments in Ireland was one which could not be satisfactorily dealt with by any modification of practice and procedure alone, but required to be considered as a whole, and in connexion with the several branches of law to which we have referred, and could only be satisfactorily disposed of by a Parliamentary Committee or by a Commission specially constituted for the purpose, and with full powers to enter upon all the inquiries necessary for its solution.

The Office of the Registrar of Judgments in Ireland.

Upon a vacancy occurring in the office of the Registrar of Judgments in Ireland, by the death of Mr. Scriven, the attention of those of our body resident in Ireland was specially directed by his Excellency the Lord Lieutenant of Ireland to the 63rd section of the Registration of Deeds (Ireland) Act, 13 & 14 Vict. c. 72., which gives power to the Lords Commissioners of Her Majesty's Treasury to consolidate the office of the Registrar of Judgments with the office for the Registry of Deeds in Ireland, with a view of reporting as to the policy of that consolidation.

We have ascertained that this Act has never come into operation, the indexes which were to be completed before the system of registration provided by it became obligatory never having been made.

We have ascertained also that the anticipation of the operation of the Judgment Mortgage Act of 1850, contained in the recital of the section which gives the power of consolidating the two offices, has not been borne out by the results.

The Act recites "that by the operation of the Act of the present session to amend " the law concerning Judgments in Ireland, the duties of the office of the Registrar of " Judgments will be diminished, and it may be expedient to discontinue the same as a " separate office."

This anticipation seems to have arisen from considering judgments only as charges on land, and the operation of a provision of the Irish Bankruptcy Act of 1849, 12 & 13 Vict. c. 107. s. 113, nearly contemporaneous with the Judgment Mortgage Act, 13 & 14 Vict. c. 29, seems to have been overlooked.

By a provision of the Irish Bankruptcy Act of 1849, re-enacted in 1857 by 20 & 21 Vict. c. 60., it is provided that all judgments not registered within 21 days, in the office of the Registrar of Judgments, shall be void as against the assignees of bankrupts or insolvents. Hence it is the duty of solicitors to register in the Judgment Office all judgments not paid within 21 days.

By another Act, 13 & 14 Vict. c. 74. s. 11., passed in 1850, the same year as the Judgment Mortgage Act, it is provided that "all costs properly incurred in the regis- " tration of judgments, warrants to confess judgment, pleas of confession, and consents " for judgment, in pursuance of the several Acts now in force concerning the same, or " any of them, shall in each and every case be allowed in taxation of costs of suit against " the *cognizor* or defendant, and be added to the amount of the judgment, &c."

Under this Act the taxing officers recognize the practice of registering as of course

---

* Appendix S., p. 174.

† Report of Select Committee of House of Commons on Judgments, 1864, Appendix, p. 79.

in the Judgment Office, all judgments not paid immediately upon being entered up, and allow the costs of such registration.

It appears that in 1864, whilst 5,544 judgments were entered up* in the three Superior Courts of Common Law in Ireland, no less than 4,272 judgments were registered† in the office of the Registrar of Judgments.

We obtained returns‡ from the office of the Registrar of Judgments for the purpose of ascertaining the exact state of the business at present as compared with the period immediately preceding the time when the Judgment Mortgage Act came into operation; and the following table exhibits the result of a comparison of the business on an average of three years ended 31st December 1850, and on an average of three years ended 31st December 1864:—

	Annual average of three years, ending 31st December 1850.	Annual average of three years, ending 31st December 1864.
Judgments, including revivals and re-registrations - -	6,405	5,666
Decrees or lis-pendens, and rules and orders - -	186	516
Recognizances, Crown bonds, &c. - - - -	1,164	205
Satisfactions, vacates, and cancellations - - -	301	912
Searches - - - - - - - -	3,537	6,069
Total - - - -	11,593	13,368

It thus appears that there has been a substantial increase in the business of the office since the passing of the Judgment Mortgage Act in 1850.

It appears, too, that the office is self-supporting; the Registry Fund stamps for the year 1864 produced 3,507*l.* 4*s.* 2*d.*, whilst the sum voted by Parliament for the salaries of clerks and office expenses was 2,360*l.*; and if the salary of the Registrar, 800*l.* (which on the death of the late Registrar was transferred from the consolidated fund to the annual vote of Parliament) be added to this sum, the total expenses of the office will amount to 3,160*l.*, leaving a surplus of 347*l.* 4*s.* 2*d.* to the general revenue.§

Besides the amount of business in the office there are other considerations of public convenience connected with retaining the office at the Four Courts, instead of its removal to the King's Inns in Henrietta Street, where the Registry of Deeds Office is situate, which its consolidation with the latter office would necessarily involve.

The Act under which the Judgments Registry Office was established (7 & 8 Vict. c. 90.) expressly provides that the Chief Judge should assign to the Judgment Office "an office within the buildings called the Four Courts, Dublin, or contiguous thereto."

The documents respecting judgments, recognizances, and lis-pendens, are all obtained at the Four Courts, and the registration of judgments and searches are now intimately connected with the provisions of the Bankruptcy Law to which we have referred.

We are of opinion, therefore, that great inconvenience would arise to the public and to the legal profession from the removal of the office for the Registry of Judgments to Henrietta Street, and that it would not be expedient to consolidate the office for the Registry of Judgments with the office for the Registry of Deeds.

The increase of business in the Judgment Office, from the amount appearing on an average of three years ending 1850, to the amount appearing on an average of three years ending 1864, was as regards searches from 3,537 at the former period to 6,069 at the latter; and as regards satisfactions and vacates, which involve a certain amount of searching, from 301 to 912.

It appeared in evidence before us that the present system of recording judgments, recognizances, &c., in the Office for the Registry of Judgments creates great complication and delay in searching: a search against a single name for five years for judgments and other charges requiring re-registry every five years, and for recognizances and other charges requiring re-registry every twenty years, involves the examination of at least sixteen books,‖ and including the time required for recording the search in parchment negative search-books, in the ordinary course of business, from the number usually pending at the same time, results in a delay of ten days¶ from the time when a search is bespoke till it is given out of the office.

It also appeared that this complication had arisen to a great extent from the number and variety of the books which the provisions of Stat. 7 & 8 Vict. c. 90., make it necessary to keep in the office.

---

* Judicial Statistics, Ireland, for 1864 (Parliamentary Papers of 1865), p. 101. † Ibid., p. 103.
‡ Appendix S., p. 173.
§ Estimates for Law and Justice, 1865–66, Parliamentary Paper, 1865, 90, III., p. 39.
‖ Appendix S., p. 169; Evidence, Question 15. ¶ Ibid, p. 171; Evidence, Question 9.

A plan* was submitted to us, and approved of by the Registrar of Judgments in his evidence, for diminishing the trouble and delay in searches, by having the books in the office for the Registry of Judgments kept like a ledger, and in the same manner as the books in the Accountant-General's Office, all the acts relating to each distinct name being entered in the same page or part of a page. By this plan a search could be made in a few minutes, and a copy of the entries affecting each name given the same day as the search was bespoke.

The adoption of this plan would do away altogether with the delay and labour of copying the negative searches into parchment books, under the provisions of Stat. 11 & 12 Vict. c. 120. s. 1.

Recommendations.

The recommendations which we have to submit to Your Majesty on this part of our inquiry are—

1. That the books in the office for the Registry of Judgments in Ireland should be kept like those in the office of the Accountant-General of the Court of Chancery in Ireland, all the Acts relating to each distinct name being entered in the same page or part of a page, and that the provisions of Stat. 7 & 8 Vict. c. 90. inconsistent with the adoption of this plan, should be repealed.

2. That the provisions of Stat. 11 & 12 Vict. c. 120. s. 1., requiring negative searches in the Judgments Registry Office in Ireland to be recorded in parchment books, should be repealed.

3. That it would not be expedient to consolidate the office for the Registry of Judgments with the office for the Registry of Deeds in Ireland.

Official Establishment of the Court of Chancery in Ireland.

With respect to the Official Establishment of the Court of Chancery in Ireland, at the commencement of our inquiries we obtained returns† as to salaries, duties, and appointment of officers in England, and similar returns‡ as to the corresponding officers in Ireland; and we employed Messrs. Barber and Jellett, who had drawn up the Statement of Differences in Chancery Practice and Procedure annexed to our first Report, to prepare a further statement§ as to the differences existing between the Official Establishments of the Courts of Chancery in England and in Ireland, as distinguished from the Judicial Establishments. In addition to the information thus obtained from returns and statements, the Clerk of the Affidavits, the Clerk of Appearances and Writs, the Registrars, the Clerk of Records, the Clerk of the Recognizances, and the Deputy Keeper of the Rolls in Ireland were examined vivâ voce by the Commissioners resident in Ireland, and the minutes of their evidence are annexed to our Report.‖

The Office of the Deputy Keeper of the Rolls in Ireland.

The office of the Deputy Keeper of the Rolls, when the proposed buildings shall be completed, should be the depository, not only of the documents and records in the present office, but also of all decrees, orders, pleadings, affidavits, reports, recognizances, and accounts, in every department of the Court, which are more than ten years old; and all documents of the above-mentioned or similar classes should be removed from time to time from the offices of the different departments and lodged in the Rolls Office as they become ten years old. This arrangement must necessarily be carried out, if it be intended to give effect to the consolidation of offices herein-after suggested in the Registrar's Office and Office of Records and Writs.

The Record and Writ Office.

In reference to the Office of Clerk of Records and Writs, Messrs. Barber and Jellett, in their Statement,¶ observe:—

> "The duties performed by the Clerks of Records and Writs in England correspond "in part with those performed by the Deputy-Keeper of the Rolls and the Clerk of "Enrolments, in part with those discharged by the Clerk and Assistant Clerk of "the Pleadings in the Office of the Deputy-Keeper of the Rolls, in part with those "discharged by the Clerk of Appearances and Writs, and in part with those "discharged by the Clerk of Affidavits. In Ireland there is no office which corre-"sponds, either in title or character, with the office of Clerk of Records and Writs."

Or, in other words, this office in England does the business of five distinct departments in Ireland.

It appears, therefore, that the following offices in the Court of Chancery in Ireland might be advantageously consolidated under the title of "The Record and Writ "Office":—

1st.—The Affidavit Office, the officers of which receive 1,600*l.* a-year.

---

* Appendix, S. p. 170; Evidence, Question 31.
† Appendix N., p. 98, and Appendix P., p. 119.
‡ Appendix N., p. 97, and Appendix O., p. 99.
§ Appendix, Q., p. 150.
‖ Appendix R., p. 155.
¶ Appendix Q., p. 153.

2nd.—The Office of Writs and Appearances and Notices, the officers of which receive 1,905*l.* a-year.

3rd.—The Recognizance Office, the officers of which receive 400*l.* a-year.

4th.—The department of the Deputy-Keeper of the Rolls, the duties of which are discharged by the Clerk and Assistant-Clerk of the Pleadings, the officers of which receive 540*l.* a-year.

5th.—The department of the Registrar's Office, the duties of which in respect of reports and accounts are discharged by the Clerk of Records and his Assistant, the officers of which receive 760*l.* a-year.

All pleadings, affidavits, recognizances, reports, and accounts, not ten years old, should be transferred to and deposited in this Office, and when ten years old should be removed from it and deposited in the office of the Deputy Keeper of the Rolls.

The results of this arrangement would be that the business of five departments would be performed in one, and that all the documents of the character enumerated, under ten years old, would be accessible to the public and profession in one office, while all documents of the same class, more than ten years old, would be preserved and be accessible in the Rolls Office. There would not be an accumulation of documents in the offices in which the business of the Court was being transacted, and the ancient documents of the Court would be preserved from spoliation and decay. There could also be transferred to the Record and Writ Office one-half of the Scrivenery Clerks at present employed in the Registrar's Office, whose emoluments are 650*l.* a-year. And as it is proposed to abolish the cash payments of the Registrar's Office, the services of the present "Cash Clerk," whose salary is 250*l.* a-year, would be available for the duties of the Record and Writ Office.

The present incomes of the offices proposed to be consolidated amount to 6,105*l.*, a sum amply sufficient to sustain a large Public Department of the nature described.

The Registrar's Office.

We have recommended that the Clerk of the Record Department and his Assistant, and the Cash Clerk, and one-half of the Scrivenery Clerks of the Registrar's office should be transferred to the Record and Writ Office.

The appointment of a Vice-Chancellor, in accordance with the recommendations in our First Report, will render necessary the appointment of a second Assistant Registrar. We think that when vacancies hereafter occur in the Registrar's Office, regard should be had to the Clerks in the Office who now have a statutory right to succeed to the existing office of Assistant Registrar, but as to future Clerks the system of succession by rotation should cease.

The Examiner's Office.

The office of Second Examiner has been vacant since 1856, and should not, we think, be filled up. The records of the Second Examiner are in the care of his Chief Clerk. They should be arranged and transferred to the New Record Office, and the Chief Clerk of the Second Examiner's Office should be either transferred to the Record Office with them, or made available in some other department of the Courts. The office of Chief Examiner should remain, we think, in respect of staff as it is at present. No saving to the public could be effected by the abolition of this office, or its consolidation with any other office; and the probability is, that under the system of procedure in Chancery proposed to be adopted, ample business will arise for the employment of the present officer and his Clerks.

Duties of examiners and clerks in the offices of Masters in Chancery in Ireland, in respect of the documents and deeds therein.

It appears by the Report of the Commissioners who inquired into the Offices of the High Court of Chancery in Ireland in 1858, that there was at that time in the Masters' offices a great accumulation of deeds and papers requiring to be arranged and indexed to facilitate access to them for the purpose of search. We are of opinion that steps should be taken to have the documents in the offices of the Masters in Chancery in Ireland arranged and indexed, and the deeds placed in a fire-proof building; and that provision should be made, on the release of each of the Masters from duty, for retaining some of the officers or Clerks in the Masters' offices for the purpose of completing the arrangement and indexing of the documents, and of handing them over year by year to the permanent Record Office, as they become ten years old; and for affording easy access to them for the purpose of search in the meantime.

Employment of officers rendered unnecessary by changes in Court of Chancery in Ireland.

In filling the places of Assistant Clerks to the Master of the Rolls and Vice-Chancellor, the principle of employing, so far as they are competent, the existing staff of officers rendered unnecessary by the changes we recommend, should be carried out. The appointment of the Chief Clerks, having new and special duties to discharge, should, however, be left to the Lord Chancellor, the Master of the Rolls and Vice-Chancellor respectively.

Superannuation of

The superannuation of officers of the Court of Chancery in Ireland is regulated by the Irish Chancery Regulation Act of 1850. By that Act a rule of superannuation was

Officers of the Court of Chancery in Ireland.

adopted similar to the rule for officers of the Court of Chancery in England, of allowing superannuation at the expiration of twenty years. Since that Act was passed, the Suitors Fee Fund of the Court of Chancery of Ireland has not been sufficient to bear the charges upon it, and owing to the great change in the amount of business, caused by the establishment of the Landed Estates Court, that fund is not likely to be at all as relatively productive as the corresponding fund in England. The rule of superannuation established for the officers of the Court of Chancery in Ireland is more favourable than that provided for Clerks of the Court by the same Statute, it is also more favourable than the rule provided for officers of the Superior Courts of Common Law in England—these two classes of officers and Clerks having been by Statute placed on the ordinary scale of officers and Clerks of the Civil Service entitled to superannuation. We have already recommended that the officers of the Superior Courts of Common Law in Ireland, who laboured under a disadvantage by being omitted from the provisions of the General Superannuation Act of 1859, should obtain the benefit of that Act, and be placed in the same position with regard to superannuation as the officers of the Superior Courts of Common Law in England. And we think that the same principle of uniformity of rule as to superannuation should be applied to the Court of Chancery in Ireland, and that the privilege of retiring at the end of 20 years should as to future officers be abolished, and that instead thereof the rules of the General Superannuation Act of 1859 should be substituted.

The reduction of staff, which could be effected if the changes we have recommended in the Chancery Offices be carried into effect, should, we think, be introduced gradually by not filling vacancies until the staff of each newly constituted office be reduced to the amount required for the business of the office.

Upon this part of our inquiry we submit the following recommendations to Your Majesty:—

Recommendations.

Deputy Keeper of the Rolls in Ireland.

That the office of the Deputy Keeper of the Rolls in Ireland, when the proposed buildings shall be completed, should be the depository, not only of the documents and records in the present office, but also of all decrees, orders, pleadings, affidavits, reports, recognizances, and accounts, in every department of the Court, which are more than ten years old; and that all documents of the above-mentioned or similar classes should be removed from time to time from the offices of the several departments and lodged in the Rolls Office as they become ten years old.

Record and Writ Office.

Court of Chancery, Ireland.

1. That the following offices in the Court of Chancery in Ireland should be consolidated under the title of "The Record and Writ Office":—

1st. The Affidavit Office.
2nd. The Office of Writs and Appearances and Notices.
3rd. The Recognizance Office.
4th. The Department of the Deputy-Keeper of the Rolls, the duties of which are discharged by the Clerk and Assistant-Clerk of the Pleadings.
5th. The department of the Registrar's Office, the duties of which in respect of reports and accounts are discharged by the Clerk of Records and his Assistant.

2. That all pleadings, affidavits, recognizances, reports, and accounts, not ten years old, should be transferred to and deposited in the Record and Writ Office, and when ten years old should be removed therefrom, and deposited in the office of the Deputy Keeper of the Rolls.

3. That there should also be transferred to the Record and Writ Office one-half of the Scrivenery Clerks at present employed in the Registrar's Office.

4. That as it is proposed to abolish the cash payments of the Registrar's Office, the services of the present "Cash Clerk" should be transferred to the new Record and Writ Office.

The Registrar's Office.

That when vacancies hereafter occur in the office of Assistant-Registrar, regard should be had to the Clerks in the Office who now have a statutory right to succeed to the existing office of Assistant-Registrar, but that as to future Clerks the system of succession by rotation should cease.

The Office of Examiner.

That the office of Examiner should remain in respect of staff as it is at present.

Duties of Examiners and Clerks in the Offices of Masters in Chancery in Ireland, in respect of the Documents and Deeds therein.

1. That all charges, discharges, affidavits, and records, more than ten years old, in the offices of the Masters in Chancery in Ireland, should be arranged and indexed, and prepared for transmission to the permanent Record Office for all the Courts in Ireland.

2. That other documents of the like kind should be arranged and indexed, and transmitted to the permanent Record Office at the expiration of ten years from their date.

3. That deeds and documents lodged in the offices of the Masters should be transferred to the Rolls Office in Ireland until the completion of the permanent Record Office.

4. That in any arrangement consequent on the abolition of the Masters, provision should be made for the completion of the indexing and arranging of the documents in their offices before the Examiners and Clerks are released from their duties; and that until the documents are finally handed over to the permanent Record Office, some of the Clerks should be retained, to afford ready access to such documents in an office under the charge of the Receiver Master.

Employment of Officers rendered unnecessary by Changes in the Court of Chancery in Ireland.

That those of the present Officers and Clerks of the Court of Chancery in Ireland whose present offices or present duties shall cease in consequence of the changes recommended, should, if they shall be found competent to execute the duties required of them, be employed, except in the offices of Chief Clerks, in preference to any persons who shall not have previously held such offices or clerkships.

Superannuation of Officers of Court of Chancery in Ireland.

That the rule of superannuation established for officers of the Court of Chancery in Ireland by the Irish Chancery Regulation Act of 1850, should be repealed, and that the rules established by the General Superannuation Act of 1859 should be applied to future officers of the Court of Chancery in Ireland.

OFFICES CONNECTED WITH THE COURT OF CHANCERY IN IRELAND, BUT OF WHICH THE DUTIES ARE WHOLLY OR IN PART UNCONNECTED WITH PRACTICE AND PROCEDURE.

Secretary of the Lord Chancellor, Lunacy Office and Clerk of the Crown and Hanaper in Ireland.

In connexion with the official establishment of the Court of Chancery in Ireland there are some offices so far connected with the establishment of the Court that the staff is wholly or in part paid out of the Suitors' Fee Fund, or out of fees accounted for to that fund. The Office of the secretary of the Lord Chancellor, the Lunacy Office, and the office of the Clerk of the Crown and Hanaper are of this description. The corresponding offices in England have a similar connexion with the Court of Chancery in England. We pursued the same method of inquiry with regard to these offices as with regard to the other offices of the Court of Chancery.

In the course of our inquiry, however, it appeared that in the case of the Lunacy Office the whole of the duties, and in the case of the offices of the Lord Chancellor's Secretary and of the Clerk of the Crown and Hanaper, a large and responsible part of the duties to be discharged related to matters not comprised within the scope of our inquiry; and that satisfactory recommendations with regard to these offices could only be made under a Commission embracing their entire constitution and duties as well as their emoluments.

But as the information we have collected with regard to these offices is essential to a complete view of the purposes for which the funds of the Court of Chancery are applicable, we have annexed in the appendices to our Report the returns we have received and the evidence we have taken respecting them.*

Receiver Master in Chancery in Ireland.

The Receiver Master in Chancery in Ireland at present, as part of his duty, passes the accounts of some of the Receivers and Committees of the estates of Lunatics, and also acts as Master in some lunacy matters. We have in our first Report recommended the retention of this officer on account of the duties which he is required by Statute to discharge in connexion with the auditing of the accounts of the Treasurers of Counties in Ireland, the accounts of the Commissioners of Charitable Donations and Bequests in

* As to English offices, Appendix N., p. 98, *et seq.*; Appendix P., pp. 119, 124, 148, and Appendix Q., pp. 150, 154. As to Irish offices, Appendix N., p. 97, *et seq.*; Appendix O., p. 100, *et seq.*; Appendix Q., p. 150, 154, and Appendix R., p. 155, *et seq.*

Ireland, and the accounts of the Collector-General of Rates of the city of Dublin. But the effect of another recommendation in our first Report will be to abolish the jurisdiction he now exercises in a certain class of Cause Petitions, and to put an end to a large number of the references now made to him, and thus to relieve him of a large amount of duty, and we think that he might advantageously discharge the duties with regard to the References in Lunacy and the auditing of the accounts of Committees and Receivers of Lunatics, which are now discharged by the Masters whose offices we have recommended in our first Report to be abolished.

Official Establishments of the Superior Courts of Common Law in Ireland.

With respect to the official establishments of the Superior Courts of Common Law in Ireland, at an early period of our inquiries we obtained returns* of the salaries and emoluments of the officers of the different Courts in England, and similar returns† as to the corresponding officers in Ireland; and we employed Messrs. Jellett and Holland, who had drawn up for us statements, which we annexed to our first report, of the difference in the practice and procedure of the Superior Courts of Common Law in each country, to prepare a further statement‡ as to the differences between the official establishments of the Superior Courts of Common Law in England and Ireland as distinguished from the judicial establishments. We also obtained returns§ from the officers in both countries as to the nature and extent of their duties, the statutes, orders, or other authority by which such duties were imposed or regulated, the changes in the nature and extent of their duties since their appointment, the statutory or other authority under which each appointment was made, and the person in whom the right of appointment was vested. We also obtained statements‖ from the Clerks of the Rules in Ireland with respect to the establishments with which they were immediately connected. In addition to the information obtained from these returns and statements, the Masters of the Superior Courts of Law in Ireland and the Clerk of the Writs were examined *vivâ vōce* by the Commissioners resident in Ireland, and the minutes of their evidence, together with a statement from the Masters and a further statement from the Clerks of the Rules are annexed in an Appendix to our Report.¶

Masters' Department.

It appears from the evidence before us that a considerable reduction can be effected in the number of Masters and Principal Assistants, and that one Master, with a Principal Assistant and Clerk, could efficiently discharge the duty now performed by the three Masters, and their Assistants and Clerks. A consolidation of the three Masters' Offices into one for the three Courts would be in accordance with the precedent already established with regard to the taxation of Costs, the issue of Writs, and the registration of Judgments, there being only one Taxing Office, one Writ Office, and one office for the Registration of Judgments for the three Courts; and, as has been found in the case of the taxation of Costs, the consolidation would also lead to a valuable result by producing uniformity of practice in the business devolving on the Masters. This change would throw on the single Master retained increased duties, for which we think he ought to receive an increase of salary. A sum of 300*l.*, added to the present salary and emoluments of 1,200*l.*, would make a sum of 1,500*l.*, which, in lieu of all fees and emoluments, would be a sufficient salary for the single Master.

Clerks of the Rules.

The number of Masters being reduced from one for each Court to one for the three Courts, the officers, now called Clerks of the Rules, would become the principal officers of each Court. In Ireland the Masters have not heretofore sat in Court, and the Court duties similar to those discharged by the Masters in England have been, and are to be, performed by the Clerks of the Rules, who also attend the Judges sitting in Chambers. We therefore recommend that the Clerks of the Rules in Ireland should for the future be called "Registrars," and, in consideration of their increased duties and responsibilities, should receive an increase of salary. Two of the present Clerks of the Rules now receive 800*l.*, and one of them 900*l.* a year; the Clerk of the Rules in the Exchequer having been granted an increase of 100*l.* a year as compensation for the revenue business added to his duties. By a Treasury Minute dated 29th August, 1854, the salary of future Clerks of the Rules was fixed at a scale of 600*l.* to 800*l.* a-year; this Minute was, however, made without the certificate of the Judges, required by Statute 7 & 8 Vict. c. 107. s. 8., and notwithstanding the recommendation of the Barons of the Exchequer that the Clerks of the Rules, on account of the qualifications required for the office, should receive 1,000*l.* a-year. If the salaries of two of the Clerks of the Rules were increased by 200*l.* a-year,

* Appendix F., p. 41. † Appendix C, p. 32. ‡ Appendix K., p. 77.
§ Appendix I., p. 65, and Appendix H., p. 47. ‖ Appendix H. p. 62.
¶ Appendix L., p. 81.

and that of one of them by 100*l.* a-year, so as to raise all to 1,000*l.* a-year, it would be a scale of pay suitable to their duties, and such as is allowed to officers discharging corresponding duties in the other Superior Courts in Ireland.

The changes we recommend in the Masters' Department would effect an ultimate annual saving of 3,400*l.*, as appears by the following statement:—

Ultimate Saving of Expense.

	£	£
Two Masters dispensed with, at 1,200*l.* a-year each	2,400	
Two Principal Assistants dispensed with, at 600*l.* to 800*l.* each	1,400	
Two Clerks dispensed with, at 150*l.* to 250*l.* each	400	
		4,200

Increased Expense.

Increased salary to single Master	300	
Increased salary to Registrars, Queen's Bench and Common Pleas, 200*l.* each	400	
Increased salary to Registrar, Exchequer	100	
		800
NET ULTIMATE SAVING		3,400

One of the Masters has held his present office, and a former appointment as Prothonotary, for 35 years, and another Master has held his present office for 20 years, and a former appointment as Clerk of Writs for 8 years: arrangements could, therefore, be soon made for their retirement.

The reduction in the number of Principal Assistants and Masters' Clerks ought, we think, to be made by not filling vacancies occurring among them until the staff be reduced to one Principal Assistant and one Masters' Clerk for the three Courts.

In order to effect these reductions at as early a period as practicable, it is desirable to remove the impediments to the retirement of the officers of the Superior Courts of Common Law in Ireland, occasioned by their not being placed in the same position, as regards superannuation, as the officers of the Superior Courts of Common Law in England. The officers were, in this respect, in the same position in both countries from 1844 to 1859, but in 1859, in regulating the superannuation of the Officers of the Superior Courts of Common Law in England, the provisions of the General Superannuation Act of that year (22 Vict. c. 26.) were substituted for those of the Superannuation Act of 1834. No similar change was made for Ireland, and the Irish officers are still under the Superannuation Act of 1834.

The superannuation of the present Master of the Queen's Bench, regulated by the 5th section of 7 & 8 Vict. c. 107., which refers to the Superannuation Act of 1834, has likewise been omitted from the provisions of the General Superannuation Act of 1859. This officer cannot resign so as to receive superannuation, no matter what his age or length of service, except in case of his inability to discharge his duties from infirmity of mind or body. This restriction on his retirement, so far as it is inconsistent with the provisions of the General Superannuation Act of 1859, ought, we think, to be repealed.

Pleadings, Records, and Rules, Departments.

The system of dividing the staff of Clerks employed in the Pleadings, Records, and Rules departments of the Superior Courts of Common Law in Ireland, into distinct classes, with separate duties and separate rights of promotion, is different from the system which prevails in England, and imposes an impediment to reductions in the staff, and to the introduction of economy of labour in the business of the offices.

The plan which we recommend of not requiring pleadings to be filed, would lead to a great saving of the time of the Clerks and officers of the Courts, and would prevent the records of the Court from being loaded with useless documents.

Instead of having a Clerk of the Rules with an Assistant and one or more Clerks, a Pleadings Assistant with two Clerks, a Record Assistant with two Clerks, two Clerks for general purposes, and a Revenue Assistant in the Exchequer, there should be in each Court only a Registrar, a Pleadings and Record Assistant, a Chief Clerk, and five junior Clerks.

Power to define and point out from time to time the duties to be discharged by the single Master, his Assistant and Clerk, and by the Registrar, the Pleadings and Record Assistant, and the Clerks of each Court, should be vested in the Judges of the Superior Courts of Common Law, to be exercised by general Order, adopted by seven or more of them, two of the Chief Judges being two of the seven.

It appears from the evidence before us that it would be desirable to have a separate Officer for the Registration of Acknowledgments of Deeds by Married Women in the Common Pleas; at the same time the number of acknowledgments to be registered would allow the Officer time to discharge some other duties. The Registration of Bills of Sale, now confided to the Master of the Queen's Bench, might be advantageously taken from the Queen's Bench, and attached to the Common Pleas, and the two duties would afford sufficient employment for a separate officer.

The office of Revenue Assistant in the Exchequer need not be retained as a separate office; the duty being of the same character as that discharged by the officers on the civil side of the Court, it may be performed by the same officers.

The saving which these changes would give rise to would be as follows:—

Officers dispensed with.

	Present Scale of Salary. £ £	Saving. £	£
In the Queen's Bench—An Assistant -	- 400 to 500	450	
A Clerk - -	- 200 to 300	250	
Two Clerks - -	- 100 to 150 each,	250	
			950
In the Common Pleas—An Assistant -	- 400 to 500	450	
A Clerk - -	- 200 to 300	250	
A Clerk - -	- 100 to 150	125	
			825
In the Exchequer—An Assistant - -	- 400 to 500	450	
Revenue Assistant -	- 200 to 300	250	
Two Clerks - -	- 100 to 150 each,	250	
			950
Total - - - - -			2,725

Officer added.

Against this saving there would be the expense of a Registrar of Acknowledgments of Deeds by Married Women and of Bills of Sale	300
Net Saving - - - -	2,425

The whole annual saving arising from the adoption of all the changes we recommend in the Common Law Offices would be as follows:—

	£	£
Reduction of two Masters, two Principal Assistants, and two Masters' Clerks - - - - - - - - -	4,200	
Reduction of three Assistants, Revenue Assistant, and seven Clerks -	2,725	
		6,925
Deduct consequent increase of salary to single Master and three Registrars - - - - - - - -	800	
Registrar of Acknowledgments of Deeds by Married Women and Bills of Sale - - - - - - - - -	300	
		1,100
Net Saving - - - -		5,825

Upon this part of our inquiry we submit the following recommendations to Your Majesty:—

1.—*Masters' Department.*

Recommendations.

1. That the number of Masters in the Superior Courts of Common Law in Ireland should be reduced to one, as soon as arrangements can conveniently be made for the retirement of two of the three Masters.

2. That a reduction should be effected in the number of Principal Assistants and Masters' Clerks, by not filling vacancies in those offices till the staff be reduced to one Principal Assistant and one Master's Clerk for the three Courts.

3. That the Officers now called Clerks of the Rules, in the three Superior Courts of Common Law in Ireland, should be called Registrars.

4. That the Masters, Principal Assistants, and other officers of the Superior Courts of Common Law in Ireland should be placed in the same position as to superannuation as the officers of the Superior Courts of Common Law in England.

5. That the special restriction on the payment of compensation to the present Master of the Queen's Bench in Ireland, and the special restriction imposed on his retirement by the 5th section of 7 & 8 Vict. c. 107., and not contained in the General Superannuation Act, should be repealed.

6. That the salary of the single Master should be fixed at 1,500*l.* a year, and that of the Registrars at 1,000*l.* a year each.

2.—*Pleadings, Records, and Rules Departments.*

1. That the statutable division of the officers of each of the Superior Courts of Common Law in Ireland into Pleadings Department, Record Department, and Rules Department should be abolished, and that the right of succession in each Department in respect of future appointments should be also abolished.

2. That the future staff of each of the Superior Courts of Common Law in Ireland should consist of the following officers :—A Registrar, a Pleadings and Record Assistant, a Chief Clerk, and five Junior Clerks.

3. That power to define and point out from time to time the duties to be discharged by the single Master, his Assistant and Clerk, and by the Registrar, the Pleadings and Record Assistant, and Clerks of each Court, should be vested in the Judges of the Superior Courts of Common Law, to be exercised by general Orders adopted by seven or more of them, two of the Chief Judges being two of the seven.

4. That the registration of Bills of Sale should be transferred from the Court of Queen's Bench to the Court of Common Pleas, and that one officer should be appointed for the registration of both Acknowledgments of Deeds by Married Women and Bills of Sale.

5. That the Chief Judge of each Court should be empowered to detach one or more Clerks or other officers with Records more than ten years old to the New Record Office—the Clerks or officers so detached not to lose any right of succession or superannuation allowance, so far as their scale of payment is concerned.

3.—*Appointment of Officers.*

1. That the Master of the Superior Courts of Common Law in Ireland should be appointed by the three Chief Judges, or two of them.

2. That the Principal Assistant and Master's Clerk should be selected by the Master from the Officers and Clerks of the three Superior Courts, with the assent of the Chief Judges, or two of them.

3. That the present Clerks of the Rules should be the first Registrars, under the new system; and that future Registrars should be appointed by the Chief Judge in each Court.

4. That the present Pleadings Assistants should be the first Pleadings and Record Assistants in each Court, and that the Clerks who have a right to succeed to the places of Pleadings Assistants should succeed to the places of Pleadings and Record Assistants; but that any subsequent vacancy should be filled by the Chief Judge of each Court from among the Junior Clerks or other officers of such Court.

5. That the present Rules Assistant should be the first Chief Clerk in each Court, and that the Clerks who have a right to succeed to the place of Rules Assistant, should have a right to succeed to the Chief Clerk's place; but that any subsequent vacancy should be filled by the Chief Judge of each Court from among the Junior Clerks or other officers of such Court.

6. That the present Record Assistants in each Court should be extra Chief Clerks, and that the Clerks in each Court who have a right to succeed to the office of Record Assistant should be entitled to succeed to the office of extra Chief Clerk in such Court; but that after the death or retirement of the Clerks so entitled the office of extra Chief Clerk in each Court should cease.

7. That no Junior Clerk should be appointed in any of the Superior Courts of Common Law in Ireland until the staff of such Court be reduced to the number proposed; after which time the appointment should be vested in the Chief Judge of each Court.

8. That the principle should be adopted of employing, as far as they are competent, the existing staff of officers for the discharge of any new or altered duties consequent on the changes we recommend; and that new officers should not be appointed until the reductions we recommend have been fully carried out.

9. That, in fixing the salaries of the office of Chief Clerk, regard should be had to the existing statutory rights of succession, so that the present officers shall not suffer on succeeding in pursuance of the rights of succession which we recommend to be substituted for the existing rights.

We humbly submit this our Second and Final Report to Your Majesty's Royal consideration.

(Signed) FRANCIS BLACKBURNE. (L.S.)
JAMES HENRY MONAHAN. (L.S.)
A. BREWSTER. (L.S.)
W. P. WOOD. (L.S.)
J. S. WILLES. (L.S.)
HENRY GEORGE HUGHES. (L.S.)
THOMAS O'HAGAN. (L.S.)
ROUNDELL PALMER. (L.S.)
JAMES A. LAWSON. (L.S.)
H. M. CAIRNS. (L.S.)
GEORGE MARKHAM GIFFARD. (L.S.)
ROBT. B. FOLLETT. (L.S.)
RICHARD J. THEO. ORPEN. (L.S.)

Dated this 23rd day of May 1866.

(Signed) W. Neilson Hancock,
H. R. Vaughan Johnson,
Secretaries.

*** The Right Hon. Joseph Napier objected to sign the foregoing Report of the Commission, and intimated his intention of drawing up a separate Report.

The resignation of Lord Romilly as Chairman of the Commission, and the illness and death of Sir Wm. Atherton, took place at an early stage of the inquiries included in this Report.

APPENDICES.

Appendix A.

Statement of Mr. Monahan as to the Law of Judgments in Ireland, and the Practice, Process, and Procedure thereupon, with Suggestions for the Simplification and Improvement thereof, with a view to its Assimilation, as far as practicable, with the Law of Judgments in England.

	Page
Introduction,	1
Law of Judgments, considered as Charges on Land, before the 15th July, 1850:—	
The Modes of Enforcing Judgments against Lands:	
1. The Writ of Elegit,	4
2. Procedure and Practice on Writs of Elegit,	5
3. Plenary Suit in Chancery,	7
4. Summary Petition,	9
5. Over what Estates of the Debtor a Receiver may be appointed,	11
6. General Observations on Summary Petitions,	12
Protection of Purchasers, &c., from Judgments:—	
Protection given by Courts of Equity independently of Statute,	13
Protection given by Statute and herein of:—	
1. Voluntary Judgments,	14
2. Entering Judgments,	14
3. Docketing Judgments,	14
4. Re-docketing Judgments,	14
5. Registration of Judgments,	15
6. Re-registration of Judgments,	16
7. Registry Office,	16
8. Construction of the Registry Acts,	17
9. Operation as to Executors, &c.,	18
10. Registry of Writs of Execution in England,	19
Judgment Mortgages:—	
1. Statement of Statutes,	20
2. Construction of Statutes,	22
Miscellaneous Points:—	
The Assignment of Judgments,	23
Operation of Judgments on Chattel Interest in Lands,	24
Decrees, Rules, and Orders,	25
Judgments of Inferior Courts,	25
Attestation of Warrants of Attorney,	25
Seizure in Execution of Money, Bank-notes, &c,	25
Attachment of Government Stock, Shares, &c.,	26
Operation of Judgments on Ecclesiastical Benefices,	27
Judgments against Executors and Administrators,	72
Effect of the Bankruptcy or Insolvency of the Judgment Debtor,	27
Effect of Arresting the Judgment Debtor,	28
Interest on Judgments,	28
Entry of Satisfaction of Judgments,	28
Release of a portion of the Lands charged,	29

Introduction.

The great difference between English and Irish judgments is confined to their effect upon the interests of the judgment debtor in lands. Executions against the body and goods are governed, in both countries, by rules of law, and substantially similar statutes. Any alteration in executions against the person or the personal chattels of the debtor, which may, perhaps, be still desirable, should, I venture to suggest, be made by legislation common to both countries.

The operation of Irish judgments upon the lands of the debtor is in a great degree peculiar to this country. It is, moreover, extremely intricate and arbitrary in its distinctions, and much requires reform. The following statement will, therefore, be chiefly occupied with the operation of judgments against the debtor's interests in lands.

Of course, these peculiarities of the law of Ireland have all been introduced by statutes. The Act of the 9th Geo. II., making judgments legally assignable, is the first of the enactments relating peculiarly to judgments which introduced a system into Ireland unknown in England. But, even before that Act was passed, and, independently of the provisions of that and subsequent statutes, to which I shall have to refer in detail, judgments, regarded as liens and charges upon land, appear to have occupied a more important relative position in Ireland than in England Judgments were looked upon here as "the common securities" of the country, which was never the case in England.

Perhaps this may have been, to some extent, caused by the existence of the laws which prevented a large proportion of the population from relying on mortgages. It appears, also, that Roman Catholic landowners were in the habit of evading the disabling statutes by confessing judgments to trustees to the full amount of their property. These judgments, when confessed to Roman Catholics, were not vitiated by the penal laws (see per Lord Redesdale in O'Fallon *v.* Dillon, 2 Sch. and L. 13). They might, at any time, be assigned to a Protestant, who could enforce them by elegit; Lord Redesdale, in that case, states that one of the reasons why judgments were made legally assignable was that a Roman Catholic who obtained a judgment might be able to sell it to a Protestant, who could enforce it against land (see p. 22; see also O'Gorman *v.* Comyn, 2 Sch. & L. 137).

At all events, the number and importance of judgments must have been the cause of the very great facilities which were gradually acquired by judgment creditors, in this country, in enforcing their demands.

The system, so ruinous to judgment debtors, of "grants in custodiam" was not founded on any statute; it was a purely common law procedure; but though, in theory, it applied both to England and Ireland, its practical use was almost wholly confined to this country.

The great evils of the system of custodiam grants, coupled, no doubt, with the importance and number of judgments existing as liens on land, led to the passing of the 5 and 6 Wm. IV., c. 55. That statute, while it put an end to grants in custodiam on account of private judgment debts, introduced a most summary remedy, by which a judgment creditor was enabled, as of right, and as a matter of course, to obtain a receiver over the lands of his debtor on presenting a petition to the Lord Chancellor. This enactment, itself no doubt caused by the number and amount of judgments existing at the time it passed, must have had the effect of encouraging their still greater increase.

The 3rd and 4th Vic., c. 105, following the English statute, 1st and 2nd Vic., c. 110, extended

still further the remedies of judgment creditors, and placed them in a new position—that of specific incumbrancers on all the debtor's beneficial interest in land. The encouragement given to the multiplication of judgments by these statutes must have had great influence in helping to produce the state of things described in the evidence taken before a Committee of the House of Commons on receivers, which sat in the year 1849, when "a vast number of estates were in the hands of receivers; when large properties were being constantly brought under the control of the Court of Chancery at the suit of creditors, and hardly any were ever afterwards removed from it." (Master Brooke's Evidence, p. 1.)

The 12th and 13th Vic., c. 95, was soon after passed. That statute operates on a very small number of judgments only. It was followed by the 13th and 14th Vic., c. 29, which abolished all the then existing modes of execution against lands (except the writ of *fieri facias*). It operates on all judgments entered up after the 15th July, 1850, and on all judgments previously entered up, so far as relates to lands purchased after that date.

This statute introduced the class of securities called, popularly, "judgment mortgages," which have given rise to so much difficulty and litigation.

I shall state the provisions of that statute in detail further on. I here confine myself to what, I venture to suggest, are the great inconveniences of this system of security.

The creditor, no matter how small the amount due to him on foot of his judgment, can, without any notice to the debtor, and by a purely ex-parte proceeding, divest the whole of the debtor's estate in lands, of any value, and vest them in himself.

If the debtor's estate is legal, and vested in possession, the creditor, without any demand of possession, can, immediately after registering his affidavit, bring an action of ejectment on the title.

Once a judgment, no matter how small the amount due in respect of it, has been registered as a mortgage, all dealings of the debtor with his tenants and all leases afterwards made by him are liable to be impeached.

There is no need of re-registry to preserve the priority of a judgment mortgage. When it has been satisfied, a memorandum of satisfaction may be entered in the Registry Office; but if this formality be omitted, the judgment mortgage remains always a blot on the title of the debtor.

Even if the memorandum of satisfaction is entered, the affidavit remains in the Registry Office, which is already, as is well known, quite sufficiently incumbered with its legitimate business, adding to the labour and difficulty of searches, and necessarily, also, to the time occupied in making them.

Notwithstanding the harshness of this statute to judgment debtors, it fails to give a satisfactory remedy to judgment creditors.

The registry is liable to be wholly vitiated by minute and apparently trifling inaccuracies in the form or in the substance of the affidavit. Even if the affidavit be perfectly correct, and all the minute provisions of the statute complied with, the judgment creditor, as will appear clearly from the following statement, gets, in substance, no better security for his money than was given by the 3rd and 4th Vic., c. 105. The decisions which have established these points have thrown so much discredit upon "judgment mortgages" that few now would accept them as securities.

In the absence of express decision by the highest tribunal, it is rash to predict what will be the construction ultimately put on any clause of this statute; but it is easy to foresee that very serious questions must yet arise, and that judgment creditors who have registered affidavits may have incurred risks and responsibilities of which they have very little notion. For instance, take the case of a judgment creditor registering his judgment as a mortgage against a leasehold interest subject to rent and bound by covenants and conditions to be performed by the lessee.

According to the literal meaning of the words of the statute, the judgment creditor becomes legal assignee of the term, and consequently personally liable to the reversioner for the performance of the covenants and conditions in the lease, and for the payment of the rent. Of course, in well prepared mortgages of leaseholds, the deed is framed in the form of a sub-demise, for the express purpose of avoiding this liability, which may be a most serious one.

It is by no means clear that the 12th section of the statute applies to judgments registered as mortgages. If it does not, it follows that every judgment creditor of every judgment mortgagee can register his judgment as a mortgage against the lands of the original judgment debtor, and that every judgment creditor of every judgment creditor, who has done so, can do the same, and so on without limit.

Again, the judgment mortgage is necessarily devoid of those various clauses and provisions which in well prepared mortgage deeds are inserted for the protection both of the mortgagor and the mortgagee, and for the good management of the property.

I venture to suggest that the enactments which have established these hybrid securities should be repealed in toto, and that all judgments, both past and future, should be placed in the position of specific equitable charges on land by an enactment similar to the 22nd section of the 3rd and 4th Vic., c. 105; but differing from that clause in one important point, which I shall state.

The law of judgments in Ireland will then be as nearly assimilated to the law of England as the difference in our general laws of real property will permit.

I think that I can show that this can be done without any injustice to existing judgment mortgagees; and that, moreover, their judgments can, without any injustice to third parties, be given a degree of security which they do not now possess.

In the following statement I shall go into detail upon those points. But, as an introduction to it, it is convenient now to state generally the means by which I think that this object can be effected.

The vested rights of existing judgment mortgagees must, of course, be guarded in every possible way. They are entitled to insist that their securities shall retain precisely the same priority with relation to incumbrances prior and subsequent in date to theirs which they now possess. But there is no objection to altering or modifying the procedure by which their securities are to be realized, especially when the change is accompanied by provisions calculated to enhance the value of these securities themselves.

Keeping in view the great advantages of assimilating the law of Ireland to that of England in respect to judgments, it must always be recollected that there are two institutions, the one for a long time, and both, now, firmly established here, which render a complete assimilation between the law of the two countries, in most branches of real property law, impracticable. I mean, of course, the

system of a general registry of deeds and other instruments affecting the title to land, and the Landed Estates Court. The Landed Estates Court has now jurisdiction to sell any interest in land, and to give the purchaser an indefeasible title.

The statute of Anne, as interpreted by the House of Lords, has rendered the ownership of the *legal estate* by a mortgagee or incumbrancer, which is of so great importance in England, comparatively immaterial in Ireland.

I venture to suggest that the ordinary and normal mode by which a judgment creditor should enforce payment of his debt out of his debtor's lands is by presenting a petition for sale in the Landed Estates Court. In the great majority of cases that Court will have sold the lands, or a sufficient part, will have distributed the fund and closed all litigation, before a receiver appointed by the Court of Chancery at the time the petition for sale was presented would have passed his first account. The costs are, moreover, relatively far less. Some rare instances may, however, occur where, from circumstances of doubt or difficulty connected with the title, a sale in the Landed Estates Court may be very considerably delayed, or even be wholly impracticable.

In those cases, I suggest, that, where the debtor is in actual receipt of the rents, it is just that his creditor should be entitled to avail himself of them, either by means of a receiver appointed by the Court of Chancery, or by proceeding under the garnishee clauses of the Common Law Procedure Act, 1856. Both these modes of procedure are highly objectionable on grounds of public policy—they are calculated to cause the mismanagement of estates, and the harassing of tenants; but, in the rare instances in which a sale by the Landed Estates Court cannot be carried out, I suggest that judgment creditors are entitled to these, or to some equivalent means of enforcing their claims.

The existence of a General Registry Office for deeds and other instruments affecting lands must also be kept in sight.

It has been decided here (*in re* Hamilton's estate, 9 Ir. Ch. Rep., 512), that the operation of the Registry Act is not confined to deeds and wills, and that writings creating charges on lands can be registered and gain the priority given by the Registry Act of Anne, and, consequently, lose priority if not so registered. There have been similar decisions in England on the construction of the Acts establishing local Registry offices in that country. These cases were decided long after the passing of the statute 3 and 4 Vic., c. 105, and the points decided by them, not unnaturally, seem to have escaped the attention of the framers of that statute.

The 3rd and 4th Vic., c. 105, sec. 22, enacts that a judgment shall operate as a charge upon all lands, &c., of the debtor, and that the judgment creditor shall have the same remedies in a Court of Equity against the hereditaments, &c., of the debtor, as he would be entitled to "in case the person against whom such judgment shall have been so entered up had power to charge the same hereditaments, and had by writing under his hand agreed to charge the same with the amount of such judgment debt and interest thereon," &c.

This clause is copied verbatim from the English Act, 3rd and 4th Vic., c. 110, sec. 13.

The words of this clause are strictly accurate when applied to England; but with respect to Ireland it would have been proper to state whether this hypothetical "writing" should be deemed to be a writing capable of being registered under the General Registry Act of Anne or not. Of course, by implication, it is plain enough that the imaginary writing could not be registered, and that it should not, in consequence of not being registered, lose any priority which it might otherwise possess; but, with a view to the simplification of the law of judgments, and to rendering the provisions of any new statute which may be passed more immediately intelligible, I suggest that, in the re-enactment of this clause, it should be added, "that the judgment is to operate as if the writing mentioned in that clause was a writing capable of being registered under the statute of Anne, and duly registered under that Act."

It will be seen that these additional words will have an important operation with regard to judgment mortgagees.

Of course, to entitle judgment creditors to the benefit of this clause as against subsequent purchasers and creditors, the judgment must be duly registered and re-registered from time to time in the Office for the Registry of Judgments.

But, assuming this to have been done, I venture to suggest that the 3rd and 4th Vic., c. 105, sec. 22, should be repealed, and that it should be enacted that all judgments heretofore entered up or hereafter to be entered up, "shall operate as a charge upon all the beneficial interest of the debtor in lands, &c., in the same manner as if the charge had been created by a writing signed, &c., and capable of being registered under the statute of Anne, and duly registered under the provisions of that Act."

It is to be observed that this clause is not intended to give, and will not give, the judgment creditor any priority over charges previously created by unregistered instruments. The charge is to operate only on the debtor's beneficial interest, and will be puisne to all liens enforceable against the debtor himself. To make this quite clear, a proviso should be added to the clause, to the effect "that nothing therein contained shall operate to give the judgment, &c., priority over charges created by prior unregistered instruments."

The object of giving the judgment the effect of a registered instrument is not to give it an artificial priority over charges before it in date, but to preserve its priority over subsequent charges.

In the case of judgments already registered as mortgages, it must be provided that the equitable charge to be thus created shall date and take effect from the date of the registry of the affidavit, and that, as against purchasers, &c., who shall have become such before the judgment is registered in the Office for the Registry of Judgments in the manner I shall point out, the judgment shall operate as a charge only on the lands named in the affidavit.

The repealing clauses should not, with respect to judgments already registered as mortgages, come into operation until two years after the passing of the Act, and judgment mortgagees should be required to register their judgments in the Judgment Office within that time, and to re-register them there every five years afterwards.

It may, then, safely be enacted that, once the judgment has been duly registered in the Judgment Office, no person, save only purchasers, who have become such before the Act passes, shall be allowed to object to the affidavit originally registered in the Office for the Registry of Deeds on any ground whatever, provided sufficient appears in the affidavit, either by way of statement, or reference, or title,

PRACTICE AND PROCEDURE AS TO JUDGMENTS IN IRELAND.

Mr. Monahan's Statement.

Introduction.

to identify the judgment referred to in it, and the lands sought to be charged.

This last provision will be a great boon to judgment mortgagees; and it will be seen that it cannot have the effect of working any injustice to any person.

It is necessary to preserve or to re-enact for the benefit of judgment mortgagees the provisions of the 8th section of the 13th & 14th Vict. c. 29. The effect of these clauses will be to preserve the security of the judgment mortgagee, in every event, in precisely the same priority which it has at this moment. To make this quite clear it is necessary to examine in detail the relation of a judgment mortgage, as it now stands, to prior and subsequent charges. I venture to submit that this has been accomplished in the following statement.

The judgment mortgagee will no longer be able to bring an action of ejectment on the title against the debtor. But I venture to submit that this mode of procedure, for it is nothing more, to enforce a debt, may be abolished without any appreciable injury to the creditor and with the greatest benefit to the debtor and to the community.

With respect to judgments not registered as mortgages, but duly registered and re-registered in the Office for the Registry of Judgments, it is necessary to consider what effect should be given to them as against purchasers for valuable consideration without notice.

The 8th section of the 7th and 8th Vict., c. 90, enacts that, as against purchasers without notice, a judgment, though duly registered and re-registered, shall not affect lands, &c., more extensively than it would have done before the Act of the 3rd and 4th Vict., c. 105 passed.

If it be thought expedient, a similar provision can be introduced into any new statute which may be passed; but I venture to submit that there is great inconvenience in this clause. It adds an unnecessary complication to a system already sufficiently intricate. It does not afford any very great protection to purchasers, because, of course, before the statute 3rd & 4th Vict. c. 105, judgments did bind lands in the hands of purchasers for valuable consideration without notice, except in particular cases, which will be found referred to further on. It has the great disadvantage of consigning these cases to the control of the intricate and half-forgotten system which governed the rights of judgment creditors, when the 3rd and 4th Vict. c. 105, passed. Besides, I venture to submit that, when a judgment creditor takes all proper steps to keep his judgment duly registered and re-registered in a public office to which all the world have easy access, he should not be liable to have his security affected by any dealings behind his back with third parties, who have every opportunity, if they take the trouble, of obtaining full information by searching the registry.

Having thus indicated the general nature and purport of the alterations which I venture to submit to the consideration of the Commissioners, I shall now proceed to an examination of the existing state of the law of judgments in detail, making it as concise as the extremely intricate nature of the subject allows.

I have divided this statement on the principle of placing first an account of the different means which judgment creditors possessed before the 15th July, 1850, of enforcing their judgments against the debtor's freehold lands, and a summary of the several statutes and principles of equity by which purchasers and others were protected against judgments. The statement then passes to the consideration of judgment mortgages. The effect of judgments on chattel interests in land is stated separately, and some miscellaneous matters connected with the general law of judgments will be found at the end.

PRACTICE AND PROCEDURE AS TO JUDGMENTS IN IRELAND.

Mr. Monahan's Statement.

Law of Judgments considered as charges on Lands in Ireland before 15th July, 1850.

Modes of enforcing judgments against Lands. The Writ of Elegit.

Law of Judgments considered as Charges on Lands in Ireland before 15th July, 1850.

Modes of enforcing Judgments against Lands.

1. *The Writ of Elegit.*

This writ is founded on the statute of Westminster, the second, chapter 18, which enacts that "when a debt is recovered or acknowledged in the King's Court, or damages awarded, it shall be from henceforth in the *election* of him that sueth for such debt or damages, to have a writ of *fieri facias* unto the sheriff of the lands and goods; or that the sheriff deliver to him all the chattels of the debtor (saving only his oxen and beasts of his plough), and the one-half of his land, until the debt be levied according to a reasonable price or extent."

13 Ed. I. c. 18.

This enactment applied only to legal estates—it included terms of years, and reversions on terms of years and lives. (2 Wms. Saunds, 68 f. n.) It was, at a very early period, held, on the construction of this statute, that if the debtor had lands at the time judgment was recovered and afterwards sold them before execution issued, a moiety might still be seized in the hands of the purchaser (Sir John De Moleyn's case, year book, 30 Edw. III., 24 *a.*), and the same rule was applied to lands purchased by the debtor after the judgment and sold by him before execution.

Yet it was settled that a sale of chattels, including terms of years, was good after judgment, although not after execution awarded; so that the debtor might sell his term of years in the interval between judgment and execution, and the subsequent writ of elegit would not have overreached the sale, as it did in the case of a freehold estate. (Lord St. Leonards, V. and P., p. 418, 13 edn.)

The operation of this writ was, in England, extended to equitable interests, by the 29th Car. II., c. 3, sec. 10. A similar enactment was made in Ireland by the seventh section of the statute of frauds, which provides that after that statute came into operation, "it shall and may be lawful for every sheriff or other officer, to whom any precept or writ is or shall be directed, at the suit of any person or persons for or upon any judgment, statute, or recognizance hereinafter to be made or had, to do, make, and deliver execution unto the party in that behalf suing, of all such lands, tenements, rectories, tithes, rents, and hereditaments, as any other person or persons be in any manner of wise *seized or possessed* in trust for him against whom execution is so sued, like as the sheriff or other officer might or ought to have done, if the said party against whom execution hereafter shall be so sued had been *seized* of such lands, tenements, rectories, tithes, rents, or other hereditaments of such estate as they *be seized* of in trust for him *at the time of the said execution sued.*"

7 Wm. III. c. 12, sec. 7.

The omission of the words "*or possessed*" from the latter branch of this clause was held to exclude terms of years from its operation. (Lyster *v.* Dolland, 3 Bro. c. c. 478; Scott *v.* Scholey, 8 East, 467; Metcalf *v.* Scholey, 2 B. and P. 461.)

The concluding words, "*at the time of the said execution sued*" limited the operation of the section to lands held in trust for the debtor at the time of

Mr. Monahan's Statement.

Modes of enforcing judgments against Lands. The Writ of Elegit.

issuing execution; so that a creditor's rights could be defeated by any alienation of the trust estate, though after judgment was recovered, if the lands had ceased, before execution, to be held in trust for the debtor. (Harris *v.* Pugh, 4 Bing. 335; Digby *v.* Irvine, 6 Ir. Eq. R. 149.)

When a creditor went into possession under an elegit under the foregoing statutes, it frequently became necessary to have recourse to the Court of Chancery to take the account between the parties, for though the courts of law exercised jurisdiction to refer it to their officer to take an account of the rents and profits received, and if upon inquiry it appeared that the debt had been satisfied, to restore the defendant to possession (Price *v.* Varney, 3 B. and C. 733), yet they were in the habit of declining to take such accounts where they were at all complicated or where equitable rights were involved. (O'Brien *v.* Goold, Al. and Nap. 41.)

Moreover, neither of these enactments extended to copyholds.

The operation of the writ of elegit was still further extended by the 3rd and 4th Vic., c. 105, sec. 19, which is copied without any material difference from the previous English statute, 1st and 2nd Vic., c. 110, sec. 11. It enacts "that it shall be lawful for the sheriff or other officer to whom any writ of elegit, or any precept in pursuance thereof, shall be directed at the suit of any person on foot of any judgment which on the 1st of November, 1840, shall have been recovered, or shall thereafter be recovered, in any action in any of Her Majesty's Superior Courts at Dublin, to make and deliver execution unto the party in that behalf suing, of all such lands, tenements, rectories, tithes, rents, and hereditaments, including lands and hereditaments which may be of copyhold tenure, as the person against whom execution is so sued, or any person in trust for him, shall have been seized and possessed of *at the time of entering up the said judgment or at any time afterwards*, or over which such person shall at the time of entering up such judgment, or at any time afterwards, *have any disposing power which he might, without the assent of any other person, exercise for his own benefit*, in like manner as the sheriff or other officer may now make and deliver execution of one moiety of the lands and tenements of any person against whom a writ of elegit is sued out; which lands, tenements, rectories, tithes, rents, and hereditaments, by force and virtue of such execution, shall accordingly be held and enjoyed by the party to whom such execution shall be so made and delivered, subject to such *account* in the Court out of which such execution shall have been sued out as a tenant by elegit is now subject to in a Court of Equity." Then follows a provision for the payments and services incident to copyhold lands taken in elegit, and the section concludes thus:—"Provided also, that as against purchasers, mortgagees, or creditors, who shall have become such before the 1st November, 1840, such writ of elegit shall have no greater or other effect than a writ of elegit would have had in case this Act had not passed."

3 & 4 Vict. c. 105, sec. 19.

This statute extended the operation of the writ of elegit to trust estates in chattel leaseholds, and to all trust estates belonging to the debtor at the time of the entering up of the judgment, and to copyholds.

The "trusts" spoken of in the statute of frauds were held to be simple trusts only, not trusts where the interests of other parties were mixed up with the debtor's title; thus they did not include equities of redemption or other similar interests. (See cases in "Lewin on Trusts," 3rd edn., p. 665.) And it appears clear that the above clause of the 3rd and 4th Vic., c. 105, should receive a similar construction. (Digby *v.* Irvine, 6 Ir. Eq. Rep. 149.)

The words in that clause "disposing power," &c., seem to have been intended to meet such cases as that of Doe *v.* Jones (10 B. and C. 459), which might often have arisen on the common form of conveyance "to uses to bar dower," which was generally adopted by purchasers of estates before the passing of the "Dower Act," 3rd and 4th Wm. IV., c. 105.

It is settled that these words apply only to cases of "powers" strictly so called. Thus they do not extend to the equitable interest which a married woman has in her separate estate (Digby *v.* Irvine, *ubi sup.*); nor to the ability which the English statute of the 27th Elizabeth, c. 4, and the Irish Act 10 Car. I., Sess. 2, cap. 3, give to settlors by voluntary conveyances to defeat their voluntary deeds by subsequent conveyances for valuable consideration (Beavan *v.* Lord Oxford, 6 D. M. and G. 507); nor to the power of a tenant in tail in possession to bar the entail. (Fletcher *v.* Steel, 6 Ir. Eq. Rep. 376.)

Lands held by the debtor as a mere trustee might at law be seized under an elegit against him; but, of course, the cestui que trust would have relief in a court of equity. (Whitworth *v.* Gaugain, 1 Ph., 728; Langton *v.* Horton, 1 Hare, 560; Holroyd *v.* Marshall in D. P., 11 W. R. 171.)

Also the legal estate of a mortgagee might be extended under an elegit against him, and in this case also the beneficial interests of the parties must be adjusted in equity; but these subjects fall more properly under another head of this statement—

Procedure and Practice on Writs of Elegit.

2. *Procedure and Practice on Writs of Elegit.*

When there has been no change of parties to the judgment, the writ may be issued at any time within six years after the recovery of the judgment. (C. L. P. I. A. 1853, sec. 148.)

After the death of the creditor, the judgment must of course be revived by his personal representative before issuing execution; but if the death of the creditor takes place after the writ has been issued, but before actual execution, it would appear that, in analogy to the settled rule in cases of *fieri facias* and *capias ad satisfaciendum*, the execution may be completed for the benefit of the personal representative without reviving the judgment. (Ellis *v.* Griffiths, 16 M. and W. 106.)

After the expiration of the six years, the judgment must be revived in the manner pointed out by the Common Law Procedure Act, 1853, secs. 149–151.

If the defendant dies before execution the judgment must be revived against his heir, or against his heir and tertenants.

The judgment is revived against heir and tertenants by means of a writ of revivor under the C. L. P. A. 1853, sec. 151. In England, it is said that before judgment can be revived against the heir and tertenants, there must have been a *scire facias* against the executor and a return of *nihils*. (Chitty, Arch. 1077.)

But there is no such practice in Ireland (Kelly on *Scire facias*, 57.) The writ may be against the heir alone, against the heir and tertenants generally, or against the heir and the tertenants by name. In the last case, if, in England, any one tertenant be omitted, the others may plead in abatement. (Chitty, Arch. 1077.)

PRACTICE AND PROCEDURE AS TO JUDGMENTS IN IRELAND.

Mr. Monahan's Statement.

Modes of enforcing judgments against Lands.

Procedure and Practice on Writs of Elegit.

The 24th Geo. III., c. 31, sec. 1, enacts that "no tertenants summoned on such writ (*i.e.* of *scire facias*) shall be received or admitted to plead, that any other tertenant has not been summoned." There is no similar statute for England. It is presumed that this statute would be held to apply to writs of revivor under the Common Law Procedure Act.

The form of the writ of elegit is given in the second schedule to the General Orders of 1854.

The writ of elegit is issued in the same manner as other executions; and on this topic it is sufficient to refer to the joint statement of Messrs. Jellett and Holland, submitted to the Commissioners—see p. 18. The proceedings after the writ is issued are substantially the same in England and in Ireland. The following brief statement of them, taken from Ferg. Prac., pp. 424–431; Chitty, Arch., pp. 646–651, will be enough.

Upon receipt of the writ, the sheriff is bound to impanel a jury, and to *inquire* of the goods and chattels of the defendant, and to appraise them, and also to inquire of his lands and tenements; upon which appraisement the sheriff delivers all the chattels of the defendant, or so much as covers the amount of the execution, excepting only oxen and beasts of the plough; and if they be insufficient to satisfy the debt, he then delivers *legal* possession of the lands, the seizen and value of which should be found upon the oaths of twelve jurors. He may deliver possession of terms of years, or dispose of them as part of the personal estate. This inquisition is an ex-parte proceeding had without any notice to the judgment creditor. Very slight evidence of the facts required to be found is sufficient; and in practice the value found of the lands was always far below the real value. The finding, however, is not conclusive on the defendant. The writ of elegit must be duly returned, in order to complete the title of the execution creditor, who has now become "tenant by elegit." The inquisition must find the lands with certainty, the place and county where they lie, and where the inquisition is taken; but it is not necessary to set them out by metes and bounds, as it was before the 3rd and 4th Vic., c. 105, when only a moiety was seized. It is enough to describe them with sufficient accuracy to identify them. If the sheriff sees that there are goods and chattels of the debtor sufficient to satisfy the debt, he ought not to extend the lands. The inquisition must be returned with the writ.

By the statute 6 Anne, c. 7, Ir., peculiar to Ireland, the sheriff is bound to hold the inquisition within ten days after the delivery of the writ, and in the chief town of the county, or such other place as may be agreed upon between him and the party delivering the same; and to give notice in writing eight days before the execution thereof to said party, of the time and place of holding the same.

The inquisition and return, when filed, have been described as operating like a conveyance by the debtor to the creditor of the lands mentioned in the inquisition. (Dyer, 7 *b*, per Shelly, J.) The tenant by elegit holds only "until his debt is satisfied." (Price *v.* Varney, 3 B. & C., 733; Croft *v.* Lumley, 4 E. & B., 274.) His estate is classed by Blackstone as a conditional estate, defeasible as soon as the debt is levied. (1 Stephen, Com. 297.) It is a chattel interest, which, in case of his death, passes to his executors. (2 Wms., Saunders, 68, c. 2. Sergeant Williams.)

The sheriff delivers only legal and not actual possession of the lands, though it seems that he might lawfully give actual possession, if the debtor himself be in occupation of the premises.

However, in practice, at all events in Ireland, before the tenant in elegit can get possession, he is obliged to bring ejectment. He can bring ejectment against the debtor himself, if in actual occupation, and all tenants of the debtor, whose tenancies commenced after the judgment was entered up. (Doe *v.* Hilder, 2 B. & A., 782; Doe *v.* Owen, 2 C. & Jer., 71.)

But, if the tenancy commenced before the date of the judgment, the writ and inquisition operate as an assignment of the reversion only; and no ejectment can be maintained against the tenant until the determination or expiration of the tenancy. (Doe *v.* Wharton, 8 T. R., 2; Ad. Eject., 78.)

The tenant by elegit can, however, determine prior yearly tenancies by a regular notice to quit, and then bring ejectment. He can also sue and distrain all the tenants for rent accrued due after filing the inquisition, without any attornment. (Lloyd *v.* Davies, 2 Exch., 103; Ramsbottom *v.* Buckhurst, 2 M. & S., 565; Cole on Ejectment, 566.)

The tenant by elegit, to recover in the ejectment, must prove the judgment, inquisition, and return. If the ejectment be against the judgment debtor himself, it appears that the inquisition is sufficient *primâ facie* evidence of the debtor's title; but if other defendants are included in the ejectment, it appears that the plaintiff must give some independent evidence of the debtor's title to the land; at the time judgment was entered or at some subsequent period before the execution.

The plaintiff may, however, be defeated by evidence given by defendant, to show that the land sued for was not properly liable to the elegit; or that there are existing tenancies which commenced before the judgment was entered, or that the inquisition is informal. The validity of the *judgment*, however, cannot be disputed.

If, after getting possession, the tenant by elegit be evicted lawfully from the whole of the lands before his debt, damages, and costs have been fully satisfied, he can obtain a new elegit for the residue, under the provisions of the statute 10 Car. I., Sess. 3, cap. 7, similar to the English statute, 32 Henry VIII., cap. 5. The effect of the 10 Car. I., cap. 7, was extended to the case of an eviction from a part of the lands, by the 26 Geo. III., cap. 31, sec. 2. There is no corresponding English statute.

When the debt is fully satisfied, or, if the debtor tenders the balance due to the creditor, the judgment debtor is entitled to a writ of *scire facias ad rehabendam terram* (Chitty, Arch. 650), or to a writ of *scire facias ad computandum*. (Underhill *v.* Devereux, 2 Wms., Saunders, 68.)

He may also apply to the Court from whence the elegit issued, to refer it to the Master to take an account between the parties. (Chitty, Arch., 650; Ferg. Prac., 430.) But, save in very simple cases, the Common Law Courts refused to make this reference. (Ferg., 430.) The Common Law Court, moreover, was always bound by the finding of the inquisition as to the value of the lands, which was always far below the real value, and, moreover, could, prior to the 3 and 4 Vic., chap. 105, allow no interest on his judgment to the judgment debtor. (Chitty, Arch., 651.) In Ireland the Courts appear, in one or two cases, to have departed from this rule. (Ferg., 431.) The result was that, before the 3 and 4 Vic., chap. 105, it was almost always necessary to file a bill in Chancery to take the account between the parties. (Ferg., 429.) And an elegit creditor in possession

Mr. Monahan's Statement.

Modes of enforcing judgments against Lands.

Procedure and Practice on Writs of Elegit.

12 & 13 Vict. c. 95, sec. 3.

is liable to account in the same manner as a mortgagee in possession.

By the 3 and 4 Vic., chap. 105, sec. 19 (copied from 1 and 2 Vic., chap. 110, sec. 11), the elegit creditor is made "subject to *such account* in the Court out of which execution shall have been sued out, as a tenant by elegit is now subject to in a Court of Equity;" and under the same statute (sec. 26 and sec. 17 respectively), judgment debts now bear interest at law, so that it appears that, now, the Court out of which the execution issues, would refer it to their officer, to take an account against the judgment creditor as mortgagee in possession.

The statute 12 and 13 Vic., chap. 95, sec. 3 (which applies only to judgments for sums not exceeding £150, entered up between the 1st August, 1849, and the 15th July, 1850), limits the operation of the writ of elegit to the lands, &c., belonging to the debtor *at the time the writ is delivered to the sheriff to be executed.*

This clause, if it had not been so soon repealed, would have been of great importance.

The effect of section 6 of the same Act, which is very loosely framed, would seem to be to make section 3 operate only in favour of purchasers for valuable consideration of the land in the interval between judgment and execution.

The writ of elegit has been abolished as to judgments entered up since the 15th July, 1850, and as to all judgments as against lands purchased after that date (13 & 14 Vic., c. 29, secs. 1, 2).

The above statement of the law and practice as to writs of elegit shows that, with respect to judgments entered up before the 1st of August, 1849, there is no substantial difference between the law of elegits in Ireland and in England.

But in practice, in Ireland, the writ of elegit had become obsolete long before the passing of the 12 and 13 Vic., cap. 95.

From the above statement it has been seen that, when the creditor had recovered judgment, and proceeded to endeavour to enforce it by elegit against the lands of his debtor, he entered on a new and thorny path of litigation. After the "inquisition," which, though little better than a formal proceeding, was attended with a good deal of expense, he could reap no fruits of his judgment without bringing an action of ejectment on the title, or suing the tenants.

Both courses were involved in considerable difficulty. The creditor was generally ignorant, both of the title of his debtor and of the tenure of the tenants, and he was consequently very liable to be defeated for want of evidence to support his ejectment, and still more so by collusive dealings between the debtor and his tenants, which were too frequently adopted in Ireland. When he had, with difficulty, succeeded in placing himself in the position of a "tenant by elegit" in possession, he became liable to the strict account to which mortgagees in possession are subject in equity.

It is not surprising that, after the more convenient procedure introduced by the 5 and 6 Wm. IV., c. 55, became available, the writ of elegit fell into disuse in Ireland; and notwithstanding the great extension given to its operation by the 3 and 4 Vic., c. 105, its use has never been resumed in practice. I have, however, ventured to give the foregoing detailed account of the law, practice, and procedure of these writs, because, in the first place, the following statement of the means now generally adopted by creditors in Ireland to enforce judgments against lands will be rendered more intelligible by the above details. The language of the several statutes which have introduced the procedure and practice now in use, has often reference to the writ of elegit, and their provisions are frequently inexplicable without a consideration of the incidents of that writ. In the second place, in considering the expediency of an assimilation of the laws of Ireland to those of England with respect to judgments, the question may be suggested whether these writs, which are still used in England, should not be re-established here.

I would venture to suggest that writs of elegit should not be re-introduced in Ireland. The inconveniences attending them appear sufficiently from the preceding statement of the practice concerning them, and the facilities given to dealings with landed estates in Ireland by the Landed Estates Court, when accompanied with such modified right of obtaining receivers and attaching rents, as I have already suggested, seem capable of giving all needful powers to judgment creditors to enforce their demands against the lands of their debtor. I, therefore, submit that the writ of elegit should be wholly abolished in Ireland.

3. *Plenary Suit in Chancery.*

Plenary Suit in Chancery.

Courts of equity, both in *England* and *Ireland*, long before the statutes 1st and 2nd Vic., c. 110, and 3rd and 4th Vic. c. 105, exercised jurisdiction, on bills filed by judgment creditors, to enforce their judgments against equitable interests in lands which could not be reached by legal elegits under the statute of frauds. (Plaskett *v.* Lord Dillon, 1 Hogan, 324; 2 Bligh, N. S. 239).

This jurisdiction was regarded as a means of subjecting the equitable estate to the legal execution; and, if the bill was filed during the debtor's life, it was necessary first to issue an elegit (Neate *v.* the Duke of Marlborough, 3 My. and Cr. 407), which, however, need not have been returned (Plaskett *v.* Lord Dillon, 2 Bligh, N. S. 239); so that issuing the writ was little more than a matter of form. (Per Lord St. Leonards, 1 C. and L. 257; Rolleston *v.* Morton.)

Following the analogy of the statute of Westminster the second, this equitable execution was limited to a moiety of the debtor's beneficial interest. (Plaskett *v.* Lord Dillon, 1 Hogan, 324; 2 Bligh, N. S. 239.) This moiety was attached in the hands of the trustees, and, if necessary, a receiver was appointed over it. (Plaskett *v.* Lord Dillon, *ubi sup.*; O'Gorman *v.* Comyn, 2 Sch. and Lef. 137.) But, during the judgment debtor's life, the judgment creditor had, in these suits, no right to a decree for a sale. (Neate *v.* the Duke of Marlborough, 3 My. and Cr., see p. 417.)

After the death of the judgment debtor the creditor had more extensive remedies in equity. Whether the deceased debtor's estate in the lands was legal or equitable, the judgment creditor could maintain a bill for the administration of his assets, and, if the personalty was insufficient, for satisfaction of his debt, out of the realty. (Barnwall *v.* Barnwall, 3 Ridg. P. C. 24, 61, 62; O'Fallon *v.* Dillon, 2 Sch. and Lef., see p. 19.)

The Court did not require the judgment to be revived against the heir and tertenants (Barnwall *v.* Barnwall, 3 Ridg. P. C. 24); consequently, of course, it was not necessary to have issued an elegit before filing the bill. In these suits the decree was for a sale of the realty, if the personalty proved insufficient to pay the judgment debts. (Barnwall *v.* Barnwall, *ubi sup.*; O'Fallon *v.* Dillon, 2 Sch. and Lef. 19; O'Gorman *v.* Comyn, *ibid.* 137.) But still, following the analogy of the statute, the

PRACTICE AND PROCEDURE AS TO JUDGMENTS IN IRELAND.

Mr. Monahan's Statement.

Modes of enforcing judgments against Lands. Plenary Suit in Chancery.

sale and the judgment creditor's remedies were limited to a moiety of the lands. (Stileman *v.* Ashdown, 2 Atk. 477, Amb. 13; O'Gorman *v.* Comyn, 2 Sch. and Lef. 137.)

When the equitable estate sought to be made available by the judgment creditor was an equity of redemption, it was, of course, impracticable to follow out the analogy of the statute, and to limit the judgment creditor's rights to a moiety of the debtor's interest.

It was perfectly settled that a judgment creditor of the mortgagor who had issued an elegit (see Godfrey *v.* Tucker, 12 W. R. 33), had such an interest as entitled him to file a bill to redeem the mortgage. (Stonehewer *v.* Thompson, 2 Atk. 440; Sharpe *v.* the Earl of Scarborough, 4 Ves. 538; Rolleston *v.* Morton, 1 Dr. and W. 171.) But, as the mortgagee could not be compelled to part with any portion of the estate until he was paid his whole claim, the right of the judgment creditor to redeem was, necessarily, extended to the whole of the lands. (Stonehewer *v.* Thompson, 2 Atk. 440; Sish *v.* Hopkins, Ambler, 793.) And the same considerations applied when there were a series of judgments. (Campbell *v.* Ferrall; Lloyd & Goold, Temp. Plunket, 388: Sharpe *v.* the Earl of Scarborough, 4 Ves. 538.) And, in these suits, the Court of Chancery decreed a sale. (Stonehewer *v.* Thompson, 2 Atk. 440.)

Where a first mortgagee becomes the owner of a puisne judgment he has a right to tack it to his mortgage, and thus give it priority over intervening incumbrances of which he had had no notice at the time of purchasing or recovering the judgment. But a judgment creditor who, after having become so, procures an assignment of a first mortgage acquires no such right. The doctrine of tacking is not of much practical importance in *Ireland* in consequence of the operation of the general registration of deeds here; but there are, however, cases in which it may affect the rights of judgment creditors. (Tenison *v.* Sweeny, 1 Jo. and Lat. 710.)

3 & 4 Vict. c. 105, sec. 22.

The statute 3 and 4 Vic., c. 105, sec. 22, enacts—"That a judgment entered up, or to be hereafter entered up, against any person in any of Her Majesty's superior Courts at Dublin, shall operate as a charge upon all lands, tenements, rectories, advowsons, tithes, rents, and hereditaments, including lands and hereditaments of copyhold tenure, of or to which such person shall, at the time of entering up such judgment, or at any time afterwards, be seized, possessed, or entitled, for any estate or interest whatever at law or in equity, whether in possession, reversion, remainder, or expectancy, or over which such person shall, at the time of entering up such judgment, or at any time afterwards, have any disposing power which he might, without the assent of any other person, exercise for his own benefit, and shall be binding as against the person against whom judgment shall be so entered up, and against all persons claiming under him after such judgment, and also shall be binding against the issue of his body and all other persons whom he might, without the assent of any other person, cut off and debar from any remainder, reversion, or other interest in or out of any of the said lands, tenements, rectories, advowsons, tithes, rents, and hereditaments; and that every judgment creditor shall have such and the same remedies in a court of equity against the hereditaments so charged by virtue of this Act, or any part thereof, as he would be entitled to in case the person against whom the judgment shall have been so entered up had power to charge the same hereditaments, and had, by writing under his hand, agreed to charge the same with the amount of such judgment debt and interest thereon: provided always that no judgment creditor shall be entitled to proceed in equity to obtain the benefit of such charge under this Act, until the expiration of one year from the time of entering up such judgment, or in cases of judgments already entered up, or to be entered up, before the 1st November, 1840, until after the 1st November, 1841; nor shall any such charge operate to give the judgment creditor any preference in case of the bankruptcy of the person against whom judgment shall have been entered up, unless such judgment shall have been entered up one year at least before such bankruptcy; provided also, that as against *purchasers, mortgagees, or creditors* who shall have become such before the 1st November, 1840, such judgment shall not affect lands, tenements, or hereditaments otherwise than as the same would have been affected by such judgment if this Act had not passed; provided also that nothing herein contained shall be deemed or taken to alter or affect any doctrine of courts of equity, whereby protection is given to purchasers for valuable consideration, without notice; [provided also, that nothing in this Act contained shall take away or prejudice any remedy or proceeding which any judgment creditor may, or if this Act were not passed might, have or take in relation to his judgment, but such creditor shall be at liberty to proceed at law or in equity for recovery of any sum secured by or due upon any such judgment, whether before or after such period as aforesaid, as if this Act had not been passed."]

This section, with one or two immaterial differences, and except the concluding proviso in brackets, is copied from the *English* Act 1 and 2 Vic., c. 110, sec. 13.

Thus, the rights of purchasers, mortgagees, and creditors, who became such before the 14th of November, 1840, are not altered by this section; consequently their liabilities to be affected by judgments against their respective vendors, mortgagors, and debtors continue to be governed by the old law.

Subject to their rights, every judgment creditor whose judgment was entered up before the 1st of August, 1849, is entitled to proceed by plenary suit in equity to enforce the equitable charge which is given to him by the above section. It is unnecessary, in these suits, to have issued a writ of elegit before commencing the suit, and the decree is for a sale. (Footner *v.* Sturgis, 5 D. G. and Sm. 736; Smith *v.* Hurst, 1 Coll. 705; 10 Hare, 30; In Jones *v.* Bailey, 17 Beav. 582, foreclosure was ordered—*sed qu.?*

The 12th and 13th Vic., c. 95, operates on judgments for sums not exceeding £150 entered up after the 1st August, 1849, except those entered up before the 31st December, 1849, upon warrants of attorney given before the 1st August, 1849.

12 & 13 Vict. c. 95 sec. 2. Sec. 3.

The second section makes the 3rd and 4th Vic., c. 105, sec. 22, inapplicable to such judgments. The third section, as already stated, confines the execution by elegit on foot of such judgments to the property of the debtor at the time of issuing execution; and the fourth section, which is very obscure, appears to have the effect of limiting the right which a judgment creditor had, independently of the 3rd and 4th Vic., c. 105, to the assistance of a court of equity to enforce his elegit against equitable interests, to the property of the judgment debtor, at the time the elegit is issued.

Sec. 4.

Modes of enforcing judgments against Lands. Plenary Suit in Chancery.

The combined operation of these four clauses would have enabled the judgment debtor to defeat the claim of the creditor by any alienation of his property—even perfectly voluntary—in the interval between judgment and execution. The sixth section appears to have been introduced for the purpose of preventing *voluntary* alienations from having this effect. By this clause voluntary conveyances are made void against prior judgments.

The 13th and 14th Vic., c. 29, secs. 1 and 2, abolishes the proceeding by plenary suit as to all judgments entered up after the 15th July, 1850, and as against all lands purchased after that date.

12 & 13 Vict. c. 95, sec. 5.

13 & 14 Vict. c. 29, sec. 1.

Sec. 12.

The twelfth section of this Act is in these words:—"And whereas *doubts have arisen* whether under the recited provision of the said Act (3rd and 4th Vic., c. 105, sec. 22), judgments against persons having securities upon land for payment of money may not operate as a charge upon such land, or affect the title thereto; and it is expedient that such doubts should be removed: be it therefore declared and enacted, that no judgment, decree, order, or rule shall, under the said Act of the fourth year of Her Majesty, operate *or be deemed to have operated* as a charge upon any estate, interest, or title in or to lands, tenements, or hereditaments vested in or subject to the power of disposition of any person against whom such judgment, decree, order, or rule is entered up, obtained, or made, where such estate, interest, or title is so vested or subject to such power as aforesaid, by way of *mortgage* or otherwise, as a security for the payment of any money, or consists of any judgment, or lien, or any money thereby secured or recoverable, or any sum or sums of money (except rents and rentcharges) charged upon or payable out of lands, tenements, or hereditaments: provided always, that this section shall not in any manner extend or apply to any case in which the above doubts, or any question thereon, have or hath been already argued or raised in any proceeding now depending in any court of equity in *Ireland*."

The "doubts" thus recited to have existed, strictly speaking, deserved a stronger designation.

It was considered settled law in *England*, for at least eight years before this statute passed, that the 1st and 2nd Vic., c. 110, sec. 13, which, so far as this point is concerned, is identical with the 3rd and 4th Vic., c. 105, sec. 22, did give the judgment creditors of the mortgagee a charge on the lands which could be enforced by a bill in equity. (Clare *v.* Wood, 1 Hare, 314; 4 Hare, 81; Lord St. Leonards, V. and P., ch. 13, sec. 1, pl. 25; Harris *v.* Davison, 15 Sim. 128.) And, independently of express decisions, it is difficult to see how the comprehensive words of the 3rd and 4th Vic., c. 105, sec. 22, could be held not to include the interests of mortgagees and others having charges upon land. So that the 13th and 14th Vic. c. 29, sec. 12, was nothing short of a retroactive repeal, *pro tanto*, of the 3rd and 4th Vic., c. 105, sec. 22; and there would be little difficulty in stating imaginary cases in which this retrospective enactment might work injustice to judgment creditors, who might be supposed to have given credit, or to have advanced money to the mortgagee or incumbrancer on the faith of obtaining a security upon the land, under the clear words of the 3rd and 4th Vic., c. 22. But, as was well known, judgment creditors never in practice relied on these remote securities; and the too comprehensive expressions of the 3rd and 4th Vic., c. 105, sec. 22, led to great practical inconvenience, by making every judgment against every mortgagee a blot on the mortgagor's title. The provisions of the 13th and 14th Vic., c. 29, sec. 12, have worked beneficially, and no complaints have been heard from injured judgment creditors. In *England* the inconveniences arising from the circumstance that each judgment creditor of each mortgagee should be considered as an incumbrancer, even after the mortgage was paid off, and the land conveyed to a purchaser, led to the passing of the 18th Vic., c. 15, sec. 11, which enacts that a purchaser or mortgagee shall not be liable to any judgment order, &c., against any mortgagees who shall have been paid off prior to or at the time of the execution of his conveyance. (See Lord St. Leonards, V. & P. ch. 13, s. 1, pl. 25.)

This enactment is much more limited in its scope than the 13th and 14th Vic., c. 95, sec. 12, and is not retrospective. I should suggest, that though, perhaps, the 13th and 14th Vic., c. 29, sec. 12, was a strong measure when it passed, it is a salutary enactment, and should be extended to all judgments, whether registered as mortgages or not.

PRACTICE AND PROCEDURE AS TO JUDGMENTS IN IRELAND.

Mr. Monahan's Statement.

Modes of enforcing judgments against Lands. Plenary Suit in Chancery.

Summary Petition to the Court of Chancery for a Receiver.

4. *Summary Petition to the Court of Chancery for a Receiver.*

This proceeding was introduced by the 5th and 6th Wm. IV., c. 55, commonly called Sir Michael O'Loghlen's or the Sheriff's Act. It was introduced as a substitute for the proceeding by *custodiam*, which was abolished, as to private judgments, by this statute.

Secs. 28, 29, and 30, make provisions for the appointment of receivers over lands then already granted *in custodiam* to persons in their own right. Secs. 31 to 38 contain enactments empowering the Court of Chancery, and formerly the Court of Equity Exchequer, to appoint receivers, on the application of judgment creditors, by summary petition. Their substance is as follows:—

5 & 6 Wm. IV. c. 55, sec. 31.

Sec. 31. "After the 1st November, 1835, no grant *in custodiam* shall be made save in trust for the Crown, and for a debt due to the Crown, and certified to be so by the Attorney or Solicitor General." Any person "entitled to sue out, or who has already sued out a writ of elegit upon any judgment recovered in any of His Majesty's Courts at Dublin, or to issue or who has issued execution in any suit or proceeding on any recognizance there," may apply by petition to the Court of Chancery or Equity Exchequer for an order for a receiver *over the whole* and not a moiety only of the lands which he would have been entitled to have extended or seized under his execution.

The Court can appoint or extend a receiver, accordingly, over the whole of the debtor's lands, or over a competent part only. The petition for a receiver must state the judgment or recognizance and the sum due thereon, and must be verified by the affidavit of the person interested, or such other affidavit as the Court shall direct. The Court may require evidence, by affidavit, of the particulars and value of the lands over which the receiver shall be sought.

Sec. 32.

Sec. 32. The receiver shall apply all moneys received by him according to orders of the Court. The Court can extend the receiver from the matter of the petition of one creditor to that of any others, and order the rents to be applied according to their respective priorities. The proceeding does not determine by the death of any of the parties to the matter. And the Court has power, on motion made by any person interested, and on its appearing that any party to the matter has

PRACTICE AND PROCEDURE AS TO JUDGMENTS IN IRELAND.

Mr. Monahan's Statement.

died, to make an order for continuing the proceedings for and in the name of, or against, the real or personal representatives, or the assignee of the deceased party, or the person in whom the interest of the deceased party has become vested, or who claims the same, unless good cause be shown to the contrary within a time to be limited by the order. And the Court shall give such directions for the service of the order on the parties named therein as shall seem meet, and shall make the same absolute, or discharge or vary it, on its appearing that such order was duly served.

Modes of enforcing judgments against Lands. Summary Petition to the Court of Chancery for a Receiver.

5 & 6 Wm. IV. c. 55, sec. 33.

Sec. 33. The order appointing the receiver shall require the tenants to pay him all rents due, or to become due, and shall require the receiver to enter into security by himself and two sureties for an amount therein specified, and such further security as the Court shall from time to time direct, for the due performance of his duties. Every such security shall be given by recognizance, acknowledged before the Court or any Judge or Master thereof, or any Master Extraordinary, or Commissioner authorized to take affidavits or special bail therein, and shall be enrolled in the Court. The order shall not be served on the tenants, and the receiver shall not receive any rents until such enrolment. The recognizance of the receiver shall not be discharged nor affected by his being extended to any other matter.

Sec. 34.

Sec. 34. The receiver is bound to account once a year, and as often as the Court shall direct. The Court has the same jurisdiction over him as if he had been appointed in a cause.

Sec. 35.

Sec. 35. In case the receiver neglects to account, and the person for whose benefit he was appointed, or continued, neglects to take the necessary steps for compelling him to do so, such person is chargeable with any loss which may be sustained by any default or neglect of the receiver; but it is lawful for any other party interested, as well as the person at whose suit the receiver has been appointed, to apply to the Court to compel him to account.

Sec. 36.

Sec. 36. As soon as the judgment shall have been paid off, or as it shall appear that it might have been paid off, but for the neglect or default of the person entitled thereto, the Court can direct satisfaction to be entered thereon, or that it shall be assigned as the Court shall order, and thereupon, or so soon as every judgment or recognizance for receiving which the receiver shall have been extended shall be satisfied, he shall be discharged.

Sec. 37.

Sec. 37. In determining the priorities of creditors in all courts, no priority is to be given to a creditor in consequence of his having obtained an inquisition on an outlawry or other proceeding. Every creditor who has obtained an order for a receiver under this Act, is deemed to have issued and executed an execution from the date of the order, so as not to be affected by the bankruptcy of his debtor further than he would have been if his debtor became bankrupt after execution executed.

Sec. 38.

Sec. 38. Moneys received by the receiver before an order to extend shall be paid as if the extending order had not been made; but in distributing the funds afterwards received, the Court shall have regard to the rights of the parties at whose instance he was extended, and the Court has power, if it thinks fit, to provide for the costs of the person at whose instance the receiver was first appointed, without reference to the priority of such person.

The 3 and 4 Vic., cap. 105, sec. 21, extended the power of courts of equity to appoint receivers on summary petitions. That section, so far as it is necessary to state it, is as follows:—

PRACTICE AND PROCEDURE AS TO JUDGMENTS IN IRELAND.

Mr. Monahan's Statement.

Modes of enforcing judgments against Lands. Summary Petition to the Court of Chancery for a Receiver.

3 & 4 Vic. c. 105, sec. 21.

"It shall be lawful for any person entitled to sue out, or who has already sued out, a writ of elegit upon any judgment recovered in any of her Majesty's Courts at *Dublin*, or to issue, or who has issued, execution in any suit or proceeding on any recognizance there, to apply by petition to the Court of Chancery for an order that a receiver may be appointed over any lands, tenements, rectories, tithes, annuities, rents, or hereditaments, by this Act made liable to be seized, extended, appraised, or taken in execution on any such judgment * * * * * or to order that any receiver appointed before the passing of this Act over the property of any judgment debtor, may be extended to the matter of such new petition; and that in proceeding under the 5th and 6th Wm. IV., c. 55, and this Act, the Court of Chancery shall have power to appoint or to extend a receiver in a summary way, on a petition at the instance of such person, over any property of such judgment debtor which such creditor would or could make available for payment of his judgment debt by filing (after a writ of execution had been issued *and returned* at law upon such judgment), a bill in a court of equity, or by any writ of execution at law [or (subject to the proviso hereinafter contained) by petition *under the provisions of this Act*]; and it shall be lawful for the said Courts respectively to appoint or extend a receiver, accordingly, over the whole thereof, or over so much thereof as shall appear to be sufficient for paying the sum due on such judgment or recognizance."

The clause then proceeds to provide for the frame and verification of the petition, and concludes by enacting that "the proceedings on such petition may, from time to time, be continued by or against the representatives of the original parties, or other persons interested or liable respectively in respect of such judgment, in the same manner as proceedings under the 5th and 6th Wm. IV., c. 55, may now be continued; and that it shall not be necessary in proceeding under the said Act, or this Act, at any time during the sittings of the Courts of Chancery or Exchequer, to present a petition, in order to obtain an order of the Court in such matter, after an order shall have been made by such Courts respectively, on the first petition presented in any such matter; and no costs of any petition so presented after an order on such first petition shall be allowed."

The words which I have omitted at the asterisks relate to "Government stock, funds, securities," &c., which fall under a different head of the subject, and which, perhaps, would have been more conveniently dealt with by a separate section. The words "and returned" are inaccurate. It has been already stated that though Courts of Equity required a writ of elegit to be *issued* before they interfered on behalf of the judgment creditor, they did not require it to be returned.

The editor of this statute (Smythe's New Practice, page 78) has remarked that it is not easy to see what need there was of the words which I have put in brackets, ending with "under the provisions of this Act." They seem, however, to refer to the provisions respecting "Government stock, funds," &c., which I have omitted here.

12 & 13 Vic. c. 95, sec. 2.

By the 12th and 13th Vic., c. 95, sec. 2, no receiver can be appointed on summary petition, under the foregoing Act, on foot of any judgment entered up after the 1st of August, 1849 (except judgments entered up before the 31st of December, 1849,

Mr. Monahan's Statement.

Modes of enforcing judgments against Lands. Summary Petition to the Court of Chancery for a Receiver.

12 & 13 Vic. c. 95, sec. 10.

13 & 14 Vic. c. 29, sec. 1.

19 & 20 Vic. c. 77, sec. 2.

on warrants of attorney or cognovits given before the 1st of August, 1849), unless the sum due for principal and interest, exclusively of costs and over all just and fair allowances, exceeds £150.

By the 10th section no receiver can be appointed in respect of any judgment entered up after the 1st August, 1849, until the expiration of a year after the entering up of the judgment, and the costs of petition for receivers on foot of such judgments are made in every case payable in the same priority as the judgment.

By the 13th and 14th Vic., c. 29, sec. 1, no receiver can be appointed under the above statutes, in respect of any judgment entered up after the 15th July, 1850, nor over any lands purchased after that date.

By the 19th and 20th Vic., c. 77, sec. 2, the Court of Chancery, in every case of an application for the appointment of a receiver, "may have regard to the amount of the charge and of the rental of the estate, and also to the other remedies and securities (if any) possessed by the person entitled to the charge, and to the other circumstances of the case; and if the Court shall be of opinion that the appointment of a receiver is unnecessary or inexpedient, or would not be productive of substantial benefit to the person entitled to the charge, it shall be lawful for the Court to decline or postpone appointing a receiver, and the costs of any application for an appointment of a receiver shall be in the discretion of the Court.

Sec. 3.

By the third section, no receiver can be appointed in respect of *any judgment*, when the sum due does not exceed £150, nor where the rental of the estate over which the receiver is sought to be appointed, shall not exceed £100 per annum. The section concludes with a proviso that "nothing herein contained shall prevent the making of any order to extend a receiver already appointed."

The foregoing are the enactments which now govern the appointments of receivers on foot of judgments, upon summary petition to the Court of Chancery.

The jurisdiction of the Court of Equity Exchequer was transferred to the Court of Chancery by the 13th and 14th Vic. c. 51, which was amended by the 18th and 19th Vic., c. 50.

I shall now briefly refer to some of the cases which have been decided on the construction of the foregoing statutes.

Over what Estates of the Debtor the Receiver may be appointed.

5. *Over what Estates of the Debtor the Receiver may be appointed.*

The words of the 5th and 6th Wm. IV., c. 55, are sufficiently clear. The receiver under that Act was to be appointed over "the rents and profits of the entire and not of a moiety only of all lands, tenements, or hereditaments which he (the judgment creditor) *would be entitled to have extended or appraised under a writ of elegit*," &c.

And, accordingly, the Court of Equity Exchequer held that no receiver could be appointed over lands unless the debtor had such an estate therein as might be extended or appraised, and refused to appoint receivers in cases where the debtor's estate was an equity of redemption (Hanly *v.* Lord Langford, 2 Jones, 343), which, as above stated, was not liable to be extended.

Sir Michael O'Loghlen, however, considered that the statute, being a "remedial Act," "should be construed as giving to the judgment creditor, by a summary order, a receiver over any property which, before the passing of the Act, he could have made available for the payment of his demand, by an ejectment, or action at law, if his inquisition gave him a legal estate, or by a suit in equity, when proceedings at law would be unavailing." (See judgment in Smith *v.* Egan, Sausse and Scully, 243.) His Honour, accordingly, in Smith *v.* Egan (Sausse and Scully, 238), appointed a receiver over an equity of redemption of a mortgagor in possession "without prejudice to the mortgagee making such application to go into possession as he might be advised."

The words of the 3rd and 4th Vic., c. 105, sec. 21, are more extensive than those of Sir Michael O'Loghlen's Act. By the former the application may be that a receiver be appointed "over any lands, &c., *by this Act* made liable to be seized, extended, appraised, or taken in execution," and the Court may appoint the receiver over any "property" which the creditor "would or could make available for the payment of his judgment debt by filing (after a writ of execution had been issued and returned at law upon such judgment), a bill in a court of equity, or by any writ of execution at law, or (subject to the proviso hereinafter contained) by petition under the provisions of this Act."

The following estates are, therefore, subject to the summary jurisdiction conferred by this section:—

1. Lands by this Act made liable to be extended, &c. To ascertain what these are it is necessary to return to the 19th section, which has already been fully stated.

The only extension given to the summary jurisdiction of the Court by these words is—making trust estates, which had already been subject to the judgment from the time execution was issued, liable from the time judgment was entered up; giving jurisdiction over lands over which the debtor has a "disposing power which he might, without the assent of any other person, exercise for his own benefit; extending the jurisdiction to copyholds. (Digby *v.* Irvine, 6 Ir. Eq. 149; Fletcher *v.* Steel, *ib.* 376.)

2. Property which the creditor "would or could make available for the payment of his judgment debt, by filing (after a writ of execution had been issued and returned at law upon such judgment) a bill in a court of equity."

The words in the parentheses are, certainly, unfortunate. As has been already stated, it was not necessary to have the writ of elegit *returned* before filing a bill in equity to make it available. The clause, however, has been construed to include all cases where a bill might have been filed to enforce an elegit. (Crofton *v.* Bunbury, 2 Ir. Ch. 465.)

These words, therefore, include equities of redemption, and other equitable interests which, as already stated, could be made available by the judgment creditor by plenary suit, though not subject to a legal elegit, and which the Court of Equity Exchequer had therefore decided not to be within the operation of Sir Michael O'Loghlen's Act.

A learned author has argued that the bill mentioned in this clause must be construed to include a bill filed to enforce the equitable charge given to the judgment creditor by the following (22nd) section. (Reilly on the Judgment Acts, p. 76.) The result would be that in every case in which the creditor is, by the latter section, entitled to proceed to enforce his judgment by plenary suit, he is also entitled to have a receiver appointed by summary petition.

The decision of Baron Pennefather in M'Dermott *v.* Moylan (Longf. and T. 555), and the language of Sir Michael O'Loghlen in Hackett *v.*

Modes of enforcing judgments against Lands. Over what Estates of the Debtor the Receiver may be appointed.

Farrell (4 Ir. Eq. Rep. 520), are referred to by the writer in support of his position.

But the words of the section seem to refer rather to the jurisdiction of equity as it existed at the time the Act was passed than to the new jurisdiction, then, for the first time, introduced. And, moreover, the words in parentheses are wholly inapplicable to proceedings by plenary suit to enforce the charge created by the 22nd section, for there is no need whatever to issue any writ of execution before instituting a plenary suit to enforce that charge.

Again, it will be seen that Baron Pennefather's decision, if it be correctly reported, is founded on a manifest misinterpretation of the statute; and the language of Sir Michael O'Loghlen, which was quite extrajudicial, and by no means conclusive, is not to be found in the report of the same case in Flanagan and Kelly's Reports. (Flanagan and Kelly, p. 553.)

The judgment of the Lord Justice of Appeal in Digby *v.* Irvine (6 Ir. Eq. 151), and the decision of the Master of the Rolls in Cotes *v.* Hassard (2 Ir. Jur. 20, O. S.), are against the writer's position. Those cases decide that a receiver cannot be appointed on summary petition over the separate estate of a married woman; but, of course, a married woman's separate estate would be liable to the charge created by the 22nd section of the statute.

In *Fletcher* v. *Steele* (6 Ir. Eq. R., 376), the Lord Justice decided that a receiver could not be appointed under the statute, on the petition of a judgment creditor of a deceased tenant in tail in possession, over the estate of the issue in tail; though, as his lordship clearly points out in deciding the case, the judgment was a valid charge on the estate of the respondent, under the 22nd section.

It is observable, too, that no attempt was made in any of these cases to argue that the petitioner's case was helped by the words of the section relating to a bill in equity. The struggle in each case was to show that the conusor of the judgment had such a "disposing power" as to bring the case within the operation of the 19th section; therefore the weight of authority is strongly against the position referred to, and it appears clear that a receiver can be appointed by summary petition in two cases only:—

1. Where the debtor's interest can also be made available, by a legal execution under the 3rd and 4th Vic., c. 105, sec. 19.

2. Where, before that statute passed, it could have been made available by a bill in equity.

But, if the procedure by summary petition is to be retained at all, there seems to be no good reason for making the jurisdiction depend on the nature of the estate which the debtor has; and I would venture to suggest, that if the jurisdiction by summary petition be preserved at all, it should be extended to every interest in land of the judgment debtor, within the 3rd and 4th Vic., c. 105, sec. 22.

Where the lands are in the possession of a prior mortgagee, or a tenant by elegit under a prior judgment, of course, no receiver can be appointed at the instance of a puisne judgment creditor, without the consent of the incumbrancer in possession. (Kennedy *v.* Whitney, Sausse and Scully, 375.)

A prior judgment creditor could, however, obtain a receiver against a tenant by elegit, under a puisne judgment. (Harnett *v.* Harnett, 2 Ir. Eq. 20.) And the receiver can be appointed even though sequestrators are in possession, under a decree obtained by the puisne creditor. (Reeves *v.* Cox, 13 Ir. Eq. R., 247.) And it was decided that the Court of Chancery had jurisdiction to appoint a receiver, after an order for sale had been made in the Incumbered Estates Court. (Corban *v.* Mountcashell, 1 Ir. Ch. 234.) The same rule appears to be applicable to the Landed Estates Court.

PRACTICE AND PROCEDURE AS TO JUDGMENTS IN IRELAND.

Mr. Monahan's Statement.

Modes of enforcing judgments against Lands. Over what Estates of the Debtor the Receiver may be appointed.

Where there is a judgment, legally valid, it is quite settled that the conusee, or any person in whom it has become legally valid, may obtain a receiver on foot of it, and that no question can be raised in opposition to a summary petition for a receiver to enforce it on the ground that the judgment, or any legal revivor of it, was wrongfully obtained. (Smith *v.* Egan, Sausse and Scully, 238; Fletcher *v.* Steele, 6 Ir. Eq. 376; Cloncurry *v.* Piers, 9 Ir. Eq. 407.) If there seem to be good grounds for impeaching the security, it might be a good reason against distributing the fund, but not against appointing a receiver. (Blake *v.* Blake, 8 Ir. Jur. N. S. 301.)

The petitioner must either have actually issued an elegit, or be entitled to issue one; so that if, from lapse of time, change of parties, or any other reason, the petitioner is not in a position to issue execution at law, the judgment must be revived before application is made for a receiver.

6. *General Observations on the Procedure by Summary Petition.*

General Observations on the Procedure by Summary Petition.

The procedure by summary petition gives very great facilities to judgment creditors in obtaining receivers. The advantages which judgment creditors thus obtained are so great that, soon after the passing of the Sheriff's Act, the procedure by elegit became practically obsolete. But the extreme ease with which a creditor, who obtained a judgment, was enabled to bring his debtor's lands under the management of the Court of Chancery, produced very serious evils. Estates thus brought under the control of the Court of Chancery were inevitably very badly managed. (Evidence of Lord St. Leonards before Select Committee of House of Commons on receivers, 21st June, 1849, p. 48.) The expenses of management were very heavy, and there were very great difficulties in the way of making any expenditure even for beneficial improvement (*ibid.*, page 51); so that the necessary consequence was that, whenever an estate thus got into Chancery, there was always a gradual deterioration of its value (*ibid.*, page 51).

Again, as in these cases, the inheritor was, necessarily, always in distressed circumstances, and felt that his interest in the property was gone, he generally abandoned all care of it, and the Master of the Court could get no assistance or information from him in dealing with the tenants. (Master Brooke's evidence, *ibid.*, 2, 3.)

He had, consequently, no information to go upon but that furnished to him by the receiver, who was in almost all such cases merely the nominee of the creditor's attorney, who, of course, cared little for the well-being of the tenants or the permanent good of the estate. The result produced is described by a high authority as "eminently calculated to demoralize the tenantry and throw every thing into social confusion." (Master Brooke's evidence, *ibid.*, 3.) Besides, as the appointment of a receiver by summary petition was regarded as being "ex debito justitiæ," the Court had no power to refuse to appoint a receiver, no matter how small the amount of the judgment, nor how low the rental of the land over which he was sought to be appointed.

Thus a creditor getting judgment for £5, could obtain a receiver over a property of £10 a-year,

Modes of enforcing judgments against Lands. General Observations on the Procedure by Summary Petition.

and such cases actually occurred. (Evidence of the Master of the Rolls, *ibid.*, 78.) Of course the costs of such proceedings must have been out of all reasonable proportion greater than the amount of the debt.

Even cases not quite so glaring—cases where creditors on foot of judgments of £50, £100, or £200, obtained a receiver over farms worth £20, £30, or £50 a-year, or even £100 a-year, are described by Master Brooke as being the "disgrace and distress of the Court." In these cases the profits of the receiver were so small that no one could be got to take the receivership, but "some inferior person, who was induced by the solicitor to take it, in order that the solicitor might have his costs." (*Ibid.*, page 2.)

The whole system, as it existed in 1849, is thus described by the Master of the Rolls (*ibid.*, p. 85):—

"I think that the present system works most injuriously and oppressively to debtors, and also as respects the proper management of the estate." Comparing the procedure by petition to that by elegit, his Honor says—"The difficulty, when you come to consider the question, is between the two proceedings—by elegit and by receiver; it is, perhaps, difficult to say which will work most injuriously, for both of them will work very injuriously."

The mischief caused by the appointment of receivers over very small properties for very small amounts has been put an end to by the statute 12th and 13th Vic. c. 95, and the 19th and 20th Vic., c. 77, above stated.

Several improvements in the management of estates by the Court of Chancery have been introduced by recent orders. But still many of the evils pointed out, by the evidence to which I have referred, are inherent in the very nature of the case, and cannot be got rid of.

No legislation can induce a ruined inheritor to take any trouble to give the Master of the Court assistance in the management of an estate which, practically, has ceased to belong to him; it is impossible for the Master of the Court to possess the personal knowledge of the estate and of the tenants which is necessary for its proper management and improvement.

The Master must necessarily be guided greatly by the statements of the receiver, who himself can feel little inclined to incur more trouble than just enough to pass his accounts and avoid responsibility or censure.

I have ventured to suggest, at the commencement of this statement, that the proper mode, in almost all cases, of enforcing judgment against land is by a sale. But there may be some cases in which a sale is impossible, or obviously improper; and in such cases it may be proper that a receiver should be appointed.

Protection of Purchasers, &c., against Judgments. Protection given by Courts of Equity independently of Statute.

PROTECTION OF PURCHASERS, &c., AGAINST JUDGMENTS.

Protection given by Courts of Equity independently of Statute.

Where the judgment debtor is a mere trustee, Courts of Equity, of course, prevent the judgment creditor from making use of his legal rights, so as to affect the cestui que trust; and even where the debtor has himself some beneficial interest, if the creditor is obliged to come into a Court of Equity for assistance, he becomes subject to the ordinary doctrines of the Court in favour of purchasers for valuable consideration without notice. (Tunstall *v.* Trappes, 3 Sim. 286. See Lawson's case, p. 299. Grady's estate, 13 Ir. Ch. 154.)

PRACTICE AND PROCEDURE AS TO JUDGMENTS IN IRELAND.

Mr. Monahan's Statement.

Protection of Purchasers, &c., against Judgments. Protection given by Courts of Equity independently of Statute.

Thus, where the owner of land enters into a binding contract to sell it, he becomes a trustee for the purchaser of the land; but he retains a lien upon it for his own benefit until the whole of the purchase-money is paid. As soon as the whole is paid he becomes a mere trustee for the purchaser; and, if judgments are afterwards entered up against him, the purchaser is clearly entitled to be protected by a Court of Equity against them; but where judgments are recovered against the vendor after the contract, and before the whole of the purchase-money is paid, the case is different. In the latter case, the purchaser was entitled to the protection of a Court of Equity if he paid over the balance of the purchase-money to the vendor without getting notice of the judgments; but if the purchaser got notice of the judgments while any portion of the purchase money remained unpaid, even before the statute 3rd and 4th Vic., c. 105, he could not have safely paid over the balance of the purchase money without the concurrence of the judgment creditor, and, of course, *a fortiori*, he could not do so since that statute. (Forth *v.* the Duke of Norfolk, 4 Madd. 503; Baldwin *v.* Belcher, 1 Jo. and Lat. 18; Grey-coat Hospital *v.* Westminster Commissioners, 1 D. G. and Jo. 531; Lord St. Leonards, V. and P. Ch. 13, s. 1, pl. 4.)

When there was a decree for a sale on a bill filed by a mortgagee, it was, at one time, held that all judgment creditors of the mortgagor, subsequent to the mortgage, whether they were parties to the suit or not, were bound by the decree, and that the Court of Chancery would restrain them from following the land into the hands of the purchaser under the decree, whether he purchased with or without notice of the judgments. (Steel *v.* Phillips—Beatty, 188, where Lord Manners reversed the decision of Sir William M'Mahon, 1: Hogan 49.)

This anomalous doctrine was, however, afterwards exploded. (Rolleston *v.* Morton, 1 Dr. and W. 171.)

Of course it was never supposed that, in such cases, a Court of Equity could in any way affect the legal rights of judgment creditors *prior* to the mortgage who were not parties to the suit.

Mortgagees and owners of charges created for valuable consideration are, of course, regarded in a Court of Equity as purchasers for valuable consideration *pro tanto*.

When a judgment creditor institutes a plenary suit in equity to enforce the charge given to him by the 3rd and 4th Vic., c. 105, sec. 22, purchasers, mortgagees, and creditors who became such before the 14th November, 1840, are protected by the express provision of that section in their favour. And it is quite clear that purchasers, mortgagees, and judgment creditors who became such *after* the 14th November, 1840, but before the judgment sought to be enforced was entered up, would also be protected; for the judgment creditor, by that section, is given a charge only on the beneficial interest which was in his debtor at or after the time the judgment was entered up, and this charge is, consequently, puisne to all liens on the land valid against the debtor himself when the judgment was entered up.

Where there is a judgment entered up, and a subsequent purchase without notice of the judgment, and then a plenary suit instituted in Chancery by the judgment creditor to enforce the equitable charge to which he is entitled under the 3rd and 4th Vic., c. 105, sec. 22, the question, how far the subsequent purchaser can rely upon a defence to the suit of "purchase for valuable con-

Mr. Monahan's Statement.

sideration without notice," depends more on general principles of equity than on anything peculiar to the law of judgments.

It would follow from the decision of Lord Westbury, in Phillips *v.* Phillips (not yet reported in the regular reports—see 31 L. J. Ch. 321; 8 Jur. N.S. 145; 5 L. T. N.S. 655; 10 W. R. 236), that if it appeared that the legal estate was outstanding in common trustee for all parties, the defence of purchase for valuable consideration without notice would be unavailing. If, however, the subsequent purchaser had obtained a conveyance of the legal estate from a person unaffected with notice of the judgment to himself, or to a trustee for himself, a Court of Equity could not make any decree against him.

Protection of Purchasers, &c., against Judgments.

Protection given by Courts of Equity independently of Statute.

It is with a view to preventing questions of this kind from arising, and in order to preserve for judgment mortgagees the advantages which they unquestionably have in a case of this nature, when they have obtained a statutable assignment of the legal estate, that I have ventured to suggest that judgments should operate as an equitable charge *duly registered in the office for the registry of deeds.*

By this means they will retain an unquestionable priority entirely independently of the doctrine of notice. (Mill *v.* Hill, 3 H. of L. C. 828, and several other cases.)

Protection against Judgments given by Statute to Purchasers for Valuable Consideration to Executors and Administrators, and to Creditors.

Protection against Judgments given by Statute to Purchasers for Valuable Consideration to Executors and Administrators, and to Creditors.

1. *Voluntary Judgments.*

Voluntary Judgments.

10 Car. I. ses. 2, c. 3.

The Statute of Fraudulent Conveyances, 10 Car. I., ses. 2, c. 3, sec. 1, which is similar to the English statute, 27th Elizabeth, c. 4; but which contains the words "charges" and "incumbrances," which are not to be found in the English Act, was held by the Master of the Rolls, in O'Donovan *v.* Rogers (7 Ir. C. R. 1), to include judgments; so that a judgment confessed without good consideration is, in Ireland, void as against subsequent purchasers. By the 10th section of the same Act, which corresponds to the 13th Elizabeth, c. 5 (English statute), judgments are expressly included, and when "devised to delay, hinder, or defraud creditors," are made void against them. So that, by this section, fraudulent judgments are avoided in the same way as fraudulent conveyances. Of course the numerous decisions which are reported on the construction of this clause need not be further referred to here.

Entering Judgments.

2. *Entering Judgments.*

The decisions that judgments against the vendor, recovered before the conveyance to a purchaser could be enforced against lands conveyed to a purchaser was, at a very early period, found to work injustice. Owing to the rule that a judgment always related to the first day of the term, or of the term preceding the vacation in which it was recovered, the lands might have been extended under an elegit on foot of a judgment; in fact, recovered after the debtor had conveyed the estate to a *bona fide* purchaser for value.

7 Wm. III. c. 12, secs. 10, 11.

29 Car. II. c. 3, secs. 14 & 15.

To remedy this mischief, the tenth section of the statute of frauds, which corresponds to the fourteenth section of the English statute of frauds, provides that the Judge or officer who signs any judgment shall write the date of his doing so upon the paper, book, docket, or record which he shall sign, and that the date shall also be *entered* on the margin of the roll of the record where the judgment shall be entered. The eleventh section provides that "as against purchasers, *bona fide*, for valuable considerations of lands, tenements, or hereditaments," such judgments shall bind the land, &c., only from the time of signing.

This enactment, which is still in force, is the first of the long series of statutes passed to protect "*bona fide* purchasers for valuable consideration" against judgments entered up against their vendors.

The 8th Geo. I., c. 6, sec. 8, obliged the prothonotaries of the King's Bench and the Common Pleas, and the Clerk of Pleas in the Exchequer, when required, to give certificates of searches for judgments entered up since the 29th September, 1660. This clause has not been repealed, but has long since become obsolete.

Entering Judgment.

8 Geo. I. c. 6, sec. 8.

3. *Docketing Judgments.*

Docketing Judgments.

The statute of frauds protected purchasers from all judgments not actually signed at the time of the purchase.

But, in cases where the judgment was signed by a Judge, this protection was incomplete. The plaintiff sometimes kept the docket or record signed by the Judge for a considerable time in his custody before he brought it to the proper office to be entered as of record. So that a purchaser, searching the office in the interval between the signing of the judgment and its being brought to the office, would be liable to be affected by a judgment which he had no means of discovering.

3 Geo. II. c. 7.

This inconvenience was remedied by the statute 3rd Geo. II., c. 7, which enacts that, after the 24th June, 1730, where the judgment is signed by a Judge or Baron, the officer whose business it is to enter the judgment as of record, shall enter on the docket or record the date on which the same is brought into the office to be entered up.

The second section makes the judgment bind the land, in the hands of a purchaser, from the date of its being brought into the office only.

The third section recites that it frequently happened that dockets or records of judgment, after having been acknowledged and signed by a Judge or Baron, and delivered to the proper officer to be entered on record, are not entered for some time after such delivery; and that, during the term, rules for judgment are frequently made, upon which no judgment is entered on the roll of record for some time after such rule is conceived; and that such dockets, records, and rules were not noticed in the certificates of searches given to purchasers and mortgagees. It then provides for the keeping of an "alphabetical docket" of such judgments, rules, &c., containing certain particulars which need not be further stated.

The foregoing provisions are substantially similar to those of the English statute, 4th and 5th Wm. and Mary, c. 20.

Redocketing Judgments.

4. *Redocketing Judgments.*

The next statute on this subject is the 9th Geo. IV., c. 35, which is generally called "Moore's Act," or "the Redocketing Act."

9 Geo. IV. c. 35.

After reciting the difficulties which had arisen in making out title to land in Ireland, by reason of the number of outstanding judgments appearing unsatisfied on record, although several thereof had been actually paid off; and, also, by reason of insufficiency of the descriptions of the defendants in judgments: the statute proceeds to deal with all then existing and future judgments, thus:—

Sec. 1.

1. As to all judgments entered after the passing

Mr. Monahan's Statement.

of the Act:—It provides that after twenty years from the date of entry, such judgments shall be null and void as against "purchasers for valuable consideration," unless duly revived according to the practice of the Court, or redocketed in the manner provided by this Act, and the revival or redocketing thereof be entered in the manner provided, within twenty years next before the execution of the "conveyance, settlement, mortgage, lease, or other deed or instrument vesting or transferring the legal or equitable right, title, estate, or interest, in or to such purchaser for valuable consideration."

Protection of Purchasers, &c., against Judgments. Redocketing Judgments.

2. As to judgments entered or recovered within twenty years before the passing of the Act:—These are made void against purchasers, &c. (as in the first section), unless revived or redocketed and entered within twenty years before the execution of the deed, &c., or within five years from the passing of the Act.

9 Geo. IV. c. 35, sec. 2.

Sec. 3.

3. As to judgments entered or recovered more than twenty years before the passing of the Act:—These are made void against "all purchasers for valuable consideration in Ireland, *whether their purchases shall have been made before or after the passing of the Act*," unless revived or redocketed within five years from the passing of this Act.

Sec. 4.

4. Provided that all revivals of judgments should be made in books to be kept by the proper officer of the Court in a form given in the schedule to this Act.

Sec. 5.

5. In order to redocket a judgment, the attorney employed for the purpose should make an affidavit in a form given in the schedule. And, on this being done, the proper officer of the Court was bound to enter the redocketing of the judgment in a book kept for that purpose, in a given form. These entries are made evidence of the revival and redocketing.

Sec. 7.

7. This Act gives no validity to judgments barred by the statute of limitations (8th Geo. I., Ir.)

Secs. 8 & 9.

Sections 8 and 9 deal with the original entries of judgments, and provide that, previous to the entering a judgment, the attorney shall deliver to the officer a note in writing, stating "the degree, quality, profession, or trade, and also the places of residence of the several parties thereto." The officer shall, thereupon, make an entry of said particulars in the margin of the roll of the judgment (sec. 9). The officer is not obliged to enter the judgment until this note in writing shall have been delivered. He is directed to file and keep this note in writing, and if, after having received it, he neglects to make the proper entries on the roll of the judgment, he forfeits the sum of £20. But the neglect, error, or omission of the officer, with respect to making the entry, does not affect the validity of the judgment, nor bind any person, except the person against whom the judgment was really obtained, and those deriving under him.

Sec. 10.

10. This Act has no effect as between the parties to the judgment, their representatives, or those deriving as volunteers under them.

5. *Registration of Judgments.*

Registration of Judgments.

The Registration of Judgments was introduced by the 7th and 8th Vict., c. 90, which is due to Lord St. Leonards. That statute recites "that it is expedient to make further provision for the protection of purchasers against judgments, &c., and to establish an office in Dublin, in which alone *purchasers, and heirs, executors and administrators*, may find all judgments which would bind lands in the hands of a purchaser, *or give a preference against heirs, executors, or administrators*, in the administration of their ancestors, testators, or intestate's effects." It enacts that after the 1st November, 1844, no judgment of record or rule for such judgment shall be docketed or entered under 3 Geo. II., c. 7; and that no such judgment or revival thereof, shall be redocketed or entered under 9 Geo. IV., c. 35. And that the books kept under the provisions of those Acts shall on that day be finally closed, without prejudice to the operation of any judgment which shall have been at that time docketed and entered, or redocketed or entered, in the said books, save so far as any such judgment may be affected by the provisions hereinafter contained. That all the redocketing and revival books shall be handed over to the officer to be appointed under this Act, and shall be deposited by him in the office to be established under this Act, and shall be considered as part of the books to which access is to be had on the payment of certain fees provided by this Act. And that all judgments redocketed or entered as revived in the said books, under the provisions of the 9th Geo. IV., c. 35, shall be deemed to be registered under the provisions of this Act, and shall operate from the time of such redocketing or entry after revival, precisely as if the same had been registered under this Act; but with the benefit of its actual priority, as the same existed before the passing of this Act, and shall be subject to the provision hereinafter contained with respect to re-registering.

7 & 8 Vict. c. 90, sec. 1.

The second section enacts "that no judgment or rule for judgment, already docketed under the 3 Geo. II., c. 7, and not redocketed or entered after revival under the 9th Geo. IV., c. 35, before the 1st November, 1844, shall, after the 1st November, 1845, nor shall any judgment which on the 1st November, 1844, shall not be docketed under the 3rd Geo. II., c. 7, or which shall be obtained after that day, affect any lands, tenements, or hereditaments, as to *purchasers, mortgagees, or creditors*, unless and until a memorandum or minute thereof, containing the names, and the usual or last known place of abode, and the title, trade, or profession of the plaintiff and defendant or person whose estate is intended to be affected thereby, and the Court in which such judgment or rule shall have been obtained, and the date of such judgment or rule, and the amount of the debt, damages, costs, or moneys thereby recovered or ordered to be paid, shall be left with the officer to be appointed under this Act, who shall forthwith enter the same particulars in a book in alphabetical order, by the name of the defendant or person whose estate is intended to be affected by the said judgment or rule; or unless and until the same shall be duly revived according to the practice of the Courts; and a like memorandum or minute as aforesaid, stating also the revival thereof, shall be left with the officer to be appointed under this Act, who shall forthwith enter the same particulars in a book of revivals to be kept by him in alphabetical order, by the name of the defendant or person whose estate is intended to be affected by such judgment or rule." The fifth section enacts that, in addition to the above particulars, the officer shall also enter in the said books the date when the said memorandum or minute is left with him.

Sec. 5.

Sec. 6.

The sixth section enacts "that all judgments redocketed or entered after revival, under the 9th Geo. IV., c. 35, shall, after the expiration of twenty years from the date of such redocket or entry, and all judgments which, having been entered or docketed under the 3rd Geo. II. c. 7 only, shall be registered under this Act, and all judgments which shall for the first time be docketed

PRACTICE AND PROCEDURE AS TO JUDGMENTS IN IRELAND.

Mr. Monahan's Statement.

Protection of Purchasers, &c., against Judgments. Registration of Judgments.

7 & 8 Vic. c. 90, sec. 7.

or registered under the provisions of this Act, shall, respectively, after the expiration of twenty years from the date of such registry under this Act, be null and void against lands, tenements, and other hereditaments, as to *purchasers*, *mortgagees*, *or creditors*, unless and until a *like* memorandum or minute, as was required in the first instance, be again left with such officer within twenty years before the execution of the deed vesting the estate in the purchaser or mortgagee for valuable consideration, or as to creditors within twenty years before the right of such creditor accrued, and so toties quoties at the expiration of every succeeding twenty years; and such officer as aforesaid shall forthwith re-enter the same in like manner as the same was originally entered.

The seventh section enacts that an original entry under the 3rd Geo II., c. 7, or under this Act, shall be deemed binding without any redocket or registry under the 9th Geo. IV., c. 35, or under this Act, on all purchasers and mortgagees claiming under any conveyance, &c., executed within twenty years after the date of such entry, and on all creditors whose rights shall have accrued within that period, without prejudice to the provisions in the second section requiring judgments, &c., entered under 3rd Geo. II., c. 7, but not redocketed or entered under the 9th Geo. IV., c. 35, to be registered under this Act; but that to affect any purchaser or mortgagee under a conveyance, &c., executed at any time after twenty years from the date of such original entry, or any creditor whose right shall accrue at any time after the like period, every such judgment must be re-registered within twenty years before such subsequent conveyance, &c., shall be executed or such right shall accrue, and so toties quoties, to bind later purchasers, mortgagees, and creditors: provided that no mortgagee or purchaser shall be affected in any manner by any judgment, &c., which shall not have been registered or re-registered within twenty years before the execution of the conveyance, &c., under which he claims, although such judgment would, as between the person entitled to the benefit thereof and any subsequent incumbrancer within the twenty years, bind the land, tenements, or hereditaments conveyed to such purchaser; nor shall any such subsequent incumbrancer be prejudiced by the protection hereby given to such mortgagee and purchaser as aforesaid.

Sec. 8. The eighth section enacts that, as against a purchaser or mortgagee *without notice*, judgments shall not affect lands more extensively, though duly registered or re-registered, than they would have done before the passing of the 3rd and 4th Vict., c. 105, where it had been duly docketed according to the law then in force.

Sec. 9. The ninth section provides that nothing in the 3rd and 4th Vict., c. 105, or in this Act, shall revive or restore any judgment extinguished or barred, nor affect nor prejudice any judgment as between the parties thereto or their representatives, or those deriving as volunteers under them, save so far as is herein expressly provided.

Sections sixteen to nineteen provide for the making and form of negative and common searches in the office, and need not be more particularly stated here. The twenty-second and following sections provide for the appointment of the registrar and the internal management of the office.

Re-registration every five years.

6. *Re-registration every five years.*

The system of registering judgments every five years was adopted in England in the year 1839 (see 2 Vict. c. 11, s. 3). It appears to have been originally intended that the 7th and 8th Vict. c. 90, should contain similar provisions; but so strong an opposition was made to the change that the bill in this form was abandoned (Evidence of Lord St. Leonards before Committee of House of Commons on receivers, p. 35).

PRACTICE AND PROCEDURE AS TO JUDGMENTS IN IRELAND.

Mr. Monahan's Statement.

Protection of Purchasers, &c., against Judgments. Re-registration every five years.

However, by the Act of 1850 (13th and 14th Vict. c. 29), the re-registry every five years was established here. The third section enacts "that no judgment redocketed or entered after revival under the 9th Geo. IV., c. 35, and *not* before the passing of this Act, registered under the 7th and 8th Vict. c. 90, and no judgment registered under the 7th and 8th Vic., c. 90, shall, after the expiration of five years from the passing of this Act, affect lands, tenements, or hereditaments, as to purchasers, mortgagees, or creditors, unless and until a like memorandum or minute as is required for a registry thereof under the 7th and 8th Vict., c. 90, be left with the Registrar of Judgments within five years before the execution of the conveyance to the purchaser or mortgagee for valuable consideration; or as to creditors, within five years before the right of such creditor accrued: provided always that when twenty years from the date of the redocket or entry under the 9th Geo. IV., c. 35, of any judgment has expired, or will expire before the expiration of five years from the passing of this Act, nothing herein contained shall be taken to dispense with the registry under the 7th and 8th Vict., c. 90, within such twenty years, or to give any greater validity or effect to such judgment than it would have had if this Act had not passed.

13 & 14 Vic. c. 29, sec. 4. The fourth section enacts that no judgment which, after the passing of this Act, shall be registered or re-registered under the 7th and 8th Vict., c. 90, or this Act, shall after the expiration of five years from the date of such registry or re-registry thereof, affect lands, tenements, or hereditaments, as to purchasers, mortgagees, or creditors, unless and until a like memorandum or minute as was required in the first instance be again left with the Registrar, within five years before the execution of the conveyance, &c., or as to creditors, within five years before the right of such creditor accrued, and so, toties quoties, at the expiration of every succeeding five years.

Registry Office.

7. *Registry Office.*

The 13th and 14th Vict., c. 74, has introduced important regulations for the management of the office for the registry of judgments.

13 & 14 Vic. c. 74, sec. 1. The Registrar is authorized, with the approval of the Chancellor, to employ additional clerks for searching, writing, and engrossing, who are to be paid for searching at the rate of one shilling for every search against one person for every twenty years, or a fractional part of twenty years over which the search extends, and at the rate of three halfpence per folio for writing; provided that no more than one clerk shall be paid in respect of each common search, and no more than two in respect of each negative search. Payments to clerks are to be charged in the incidental expenses of the office in the manner thereinafter provided.

Sec. 2. The Treasury may authorize the payment of salaries to these clerks not exceeding £50 yearly, in addition to the above payments. These salaries also are to be charged in the incidental expenses of the office.

Sec. 3. The fees payable in the Registry Office under the 7th and 8th Vic., c. 90, and the 11th and 12th Vic., c. 120, are converted into stamp duties on the proceedings in the office. The stamp duties set out

Sec. 4.

Sec. 5.

Mr. Monahan's Statement.

Protection of Purchasers, &c., against Judgments.

Registry Office.

13 & 14 Vic. c. 74, sec. 6.

Sec. 7. Secs. 8 & 9. Sec. 10.

in the schedule are imposed. The stamp duties of £1 on each requisition for a negative search, and of seven shillings on each requisition for a common search which were collected as "Law-Fund duties" under the 7th and 8th Vic., c. 90, shall be collected as "Judgment Registry duties," in the same manner as the other duties in the schedule. These duties are placed under the management of the Commissioners of Inland Revenue, and the various laws on stamp duties are made applicable to them.

The provisions of the 7th and 8th Vic., c. 90, concerning the application of the fees of the office in payment of salaries, compensations and otherwise are repealed; and these salaries and compensations are charged on the Consolidated Fund. The Treasury is to provide for the incidental expenses of the office.

Upon the lodgment in the Registry Office of the memorandum for the registry or re-entry of any judgment or revival, crown bond, recognizance, lis pendens, satisfaction, vacate or quietus, the Registrar shall give a certificate signed by him of such registry or re-entry, with a reference to the books of the office, whereby the entry thereof may be readily found. This certificate shall contain such particulars as may be necessary for identification, and shall be evidence of such registry or re-entry. The Registrar is required, whenever requested, to give a like certificate containing the like particulars of any judgment or revival, crown bond, recognizance, lis pendens, or of any satisfaction, vacate, or quietus, registered at any time in his said office, or contained in the books thereof. The registrar is entitled to charge a fee of sixpence for every such certificate.

Sec. 11.

All costs properly incurred in the registration of "*Judgments*, warrants to confess judgments, pleas of confession, and consents for judgment," in pursuance of the several Acts now in force, shall be allowed in taxation of costs against the cognizor or defendant, and shall be added to the amount of the judgment registered, or the judgment entered, or to be entered, upon such registered warrant of attorney, plea of confession, or consent for judgment, so registered, and charged and recoverable in like manner.

Sec. 12.

The Registrar shall be deemed an officer of the Court of Chancery, and of the Superior Courts of Common Law, and subject to the orders of the said Courts respectively in all matters transacted in his office, and all entries in the books thereof, "exclusively relating to, or connected with the business or records of such Courts respectively, or the offices thereof respectively."

It may be a question on the construction of the twelfth section of this Act what will amount to "such particulars as may be necessary for identification." A certificate given on the lodgment of the memorandum for registry is made evidence of the registry or re-entry; but it is not at all clear that the same effect is given to a certificate of the registration of a judgment, &c., already registered. There seems to be no good reason for any distinction between the two. It would be well, in any future legislation on this subject, to provide a form of certificate containing such particulars as are necessary. There seems to be no reason why the fees on these certificates should not be converted into stamp duties as well as all the other fees in the office.

The authority of the Lord Chancellor and the Judges over the Registrar should be more clearly defined.

The English statutes 1st and 2nd Vic., c. 110, and 2nd Vic., c. 11, established a similar registry of judgments in the office of the Senior Master of the Court of Common Pleas at Westminster; so that the laws of England and Ireland as to the re-registry of judgments are substantially the same. In both countries, a purchaser need search for judgments for five years only. And I would venture to suggest that so far as the re-registry of judgments is concerned there is no need to make any alteration in the present law. But the various statutes which now regulate the subject might without difficulty be consolidated and these enactments rendered more easily intelligible than they are at present.

PRACTICE AND PROCEDURE AS TO JUDGMENTS IN IRELAND.

Mr. Monahan's Statement.

Protection of Purchasers, &c., against Judgments.

Registry Office.

Construction of Registry Acts.

8. *Construction of Registry Acts.*

It remains to state briefly the effect of these statutes so far as it has been ascertained by decided cases.

None of these Acts have any operation whatever in favour of the judgment debtor himself. The parties declared entitled to the benefit of the 7th Wm. III. c. 12, are "*purchasers bona fide for valuable consideration.*" The protection of the 3rd Geo. II., c. 7, is given to "*purchasers or mortgagees bona fide for valuable consideration*," and to *heirs, executors, and administrators.* By the 9th Geo. IV., c. 35, the judgment is made void only against "*purchasers for valuable consideration*," and the tenth section of that statute expressly provides that the Act shall not operate to prejudice any judgment whatsoever *as between the parties thereto, their representatives, or those deriving as volunteers under them.*" Though the preamble of the 7th and 8th Vic. c. 90, speaks of *heirs, executors, and administrators*, as well as *purchasers*, the enacting part speaks only of "*purchasers, mortgagees, or creditors.*"

Thus, while the judgment debtor is alive, these statutes have no operation whatever on the effect of the judgment as against the debtor himself, and those claiming through him as volunteers. And, as against them, the relation of the judgment to the first day of term is governed by the rules of the common law, and the judgment continues of full force, though never registered, until barred by the statute of limitations. And it has been decided here, that during the life of the judgment debtor, judgments gain no priority, *inter se*, by redocketing or registering. As to redocketing, the case is clear. The judgment creditor is certainly not a "purchaser" within the 9th Geo. IV., c. 35; so that judgments, *inter se*, during the life of the debtor, take priority according to the date at which they are recovered, and judgments of the same term are in equal priority, so far as that statute affects them (Abbott *v.* Stratten, 3 Jones and Lat. 603. Smith *v.* Chichester, 12 Ir. Eq. R. 519.)

In O'Brien *v.* Scott (11 Ir. Eq. 63), the question was raised—whether the registration under the 7th and 8th Vic., c. 90, affects the priorities of judgments, *inter se*, in the lifetime of the debtor? The use of the word "creditor" in the second and sixth sections was relied on as showing that the intention of the legislature was to make an unregistered judgment void not only against purchasers, but also against other judgment creditors. The preamble was relied on as showing that the operation of the enacting part against creditors should be confined to the administration of assets.

The Master of the Rolls says:—"The question is one of some difficulty; and it is not necessary that I should offer any opinion upon it, as the case may be decided on the grounds I have already adverted to. But, as the authorities which bear

on the question were not cited in the argument, I have thought it right to refer to some of the most important; as it would be proper, should this question again arise, that it should be fully argued. My opinion, at present, is that it was not intended, by the 7th and 8th Vic., to give rights as between creditors further than the Act of Geo. II. had done for the protection of heirs, executors, and administrators."

The Lord Chancellor, on appeal (S. C. 11 Ir. Eq. 459), expressed a similar opinion. His Lordship, however, offered to direct a case to a Court of Law. It appears that no further proceedings were taken in the case. In Hyde *v.* Atkinson (2 Ir. Ch. 246), the Lord Justice of Appeal decided that registration under the 7th and 8th Vic., c. 90, gives no priority to judgments, *inter se*, during the lifetime of the conusor.

The report of the judgment, however, is very short, and no reasons are given. The same question arose before the Master of the Rolls in M'Minn *v.* M'Connell (2 Ir. Ch. 609.) His Lordship adhered to the opinion which he had expressed in O'Brien *v.* Scott.

In Burke *v.* Killikelly (1 Ir. Ch. R. 1), the Lord Chancellor held that, in the administration of assets, judgments of the same term took priority according to the date of their entry on the roll under the 3rd Geo. II., c. 7. It was clear, as already stated, that such judgments were in the same priority during the lifetime of the conusor; but his Lordship considered that the words of the second section "and shall not have any preference against heirs, executors, or administrators, in the administration of their ancestors', testators', or intestates' estates, but from the time of entry," &c., had the effect of making judgments take priority, *inter se*, from the date of entry, although no question whatever as to preference against either heirs or executors was involved. Of course, the evil which the statute was intended to remedy was the hardships to which executors, &c., were exposed by the common law preference which judgments had over specialty and simple contract debts in the administration of assets, even though the executor had no notice or knowledge of them whatever. At common law, an executor, who had distributed the assets in payment of specialty or simple contract debts, could not rely on such payments against a judgment creditor of the deceased, although he had no knowledge of the judgment at the time he made the payments; and it might be argued that this object of the statute would be fully carried out by holding that, "as against the executor," &c., the judgment creditor should not have any preference, unless from the time of entry, &c., without going to the length of saying that even as between two judgments, both known to the executor, and where no question whatever of preference as against the executor arises, the priority of the judgment, *inter se*, is altered.

In Revell *v.* Revell (4 Ir. Ch. 436), the Master of the Rolls held that the principle of the decision of Burke *v.* Killikelly, applies to the 7th and 8th Vic., c. 90, and that after the death of the conusor, judgments against him should take priority according to the dates of their registration as against his *real assets*. This decision was affirmed, on appeal, by the Lord Chancellor. (Revell *v.* Revell, 5 Ir. Ch., 284.) In giving judgment in that case, his Lordship makes some observations which seem to imply a doubt as to the correctness of the decision in O'Brien *v.* Scott, and the other cases following that case which have been already referred to. His Lordship says (5 Ir. Ch., 286), "Now, if the conusor were still alive, I should be obliged to act on the authority of the cases before the Master of the Rolls, the late Lord Chancellor and myself, in which it has been decided that the true operation of the 7th and 8th Vic., c. 90, is to transfer the force and effect of docketing under the old statutes to registration under the new. *It is possible that a larger construction may be given to the 7th and 8th Vic.*, c. 90, and that the word "creditors" in that Act, may be taken to include judgment creditors; but, when the case of *O'Brien* v. *Scott* came before me, it struck me that the intention appeared to be to give the same force to registration of judgments which was given to the docketing under the 3rd Geo. II., c. 7. I then thought that, if it were not to have that effect, the Act would be in a great measure nugatory, and that, so far from following the recital in the preamble, it would take away from heirs executors and administrators the protection which they had enjoyed before; and, therefore, that it was necessary to construe the word "creditors" as meaning what was so expanded [*sic* in report] in the terms of the earlier statute."

The word "creditors" is certainly very extensive, and was held to include even creditors by simple contract, *In re* Perrin (2 Dr. and W., 147), in which the question arose upon the 22nd section of Pigot's Act. Sir Edward Sugden there decided that the saving of the rights of creditors, &c., becoming so before the passing of the Act, applied to all creditors coming in under a bankruptcy, whether they were creditors by simple contract or otherwise. It is therefore probable that in framing the Act 7th and 8th Vic., c. 70, he may have intended the word "creditors" to comprise all creditors who were entitled to share in the administration of assets.

The above observations of the Lord Chancellor show that the point decided in O'Brien *v.* Scott cannot, even yet, be regarded as settled. That case and those which followed it, certainly, give an extremely narrow construction to the word "creditors" in the 7th and 8th Vic., c. 90. They limit the word to "judgment creditors in the administration of *real* assets." This construction gives rise to the whimsical result that two judgments in the same priority on the day of the death of the conusor, become, immediately after his death, judgments in different priorities. On the other hand, if "creditors" is understood in its ordinary sense, as *In re* Perrin, the whole construction becomes clear; then judgments will always take priority against realty, according to the dates of their registry, whether the conusor be alive or dead, and precisely the same protection is given to executors, heirs, &c., as they receive by the construction adopted in O'Brien *v.* Scott, and Revell *v.* Revell. And, in England, it seems to be assumed that judgment creditors always take priority against real estate according to the dates of the registration of their judgments. (Beavan *v.* Lord Oxford, 6 D. G. M. and G. 492; Shaw *v.* Neale, 6 H. of L. 581.)

There seems no ground whatever for giving a different construction to the 2nd and 3rd Vic., c. 11, upon the construction of which Beavan *v.* Lord Oxford, and Shaw *v.* Neale, were decided, and to the 7th and 8th Vic., c. 90, save whatever inferences may be drawn from the preamble of the latter.

9. *Operation of Registry Acts as to Executors.*

Operation of Registry Acts as to Executors.

It is very doubtful whether the construction adopted in O'Brien *v.* Scott gives sufficient

Mr. Monahan's Statement.

Protection of Purchasers, &c., against Judgments.

Operation of Registry Acts as to Executors.

protection to heirs, executors, &c. It requires a few sentences to make this clear. I have already stated what is manifest, that the more natural construction adopted in England leaves judgment creditors precisely the same priority, *inter se*, as against the assets real of their debtor, after his death as those given to them by the decision in Revell *v.* Revell. It remains to examine the effect of the statutes with regard to the *personal assets* of the deceased judgment debtor. The 2nd section of the 3rd Geo. II., c. 7, enacted that judgments "should not have any preference against heirs, executors, or administrators, in their administration of their ancestors', testators', or intestates' estates," but from the time of their being docketed under that Act. This enactment, so far as the present point is concerned, had substantially the same effect as the English Act 4th and 5th Wm. and M., c. 20, sec. 3, which provided that no judgment not docketed, &c., under that Act, should have any preference against heirs, executors, or administrators, in the administration of their ancestors', testators', or intestates' effects. It was held, both at law and in equity, that a judgment, not docketed in pursuance of these statutes, should be considered as a simple contract debt in the administration of assets; and that, on the issue of *plene administravit*, the executor might give in evidence that he had applied all the assets in payment of debts of inferior degree (Williams on Executors, p. 902); so that an executor might, if he found no judgment docketed under those Acts, distribute the personal assets without running any risk of being called to account by judgment creditors. The English statute 2nd Vic., c. 11, put an end to docketing under the statute of William and Mary, and contained the provisions with respect to the effect of judgment against *lands* which have already been referred to; but made no provision for the protection of executors in the distribution of the personal assets of the testator.

The 7th and 8th Vic., c. 90, put an end to docketing under the 3rd Geo. II., c. 7, and by the 17th section enacts "that, from the 1st November, 1845, no search shall be made for any of the matters authorized to be registered under this Act, except at the office to be established under this Act." So that, practically, now, no search can be made for judgments except in that office. (Re Bagot, 8 Ir. L. R. 755.) So that an executor has no means of ascertaining the existence of judgments against his testator unless they are registered under that statute. But the omission to register under the 7th and 8th Vic., c. 90, clearly, cannot affect the rights of the judgment creditor as against the personal assets of the testator. No doubt the preamble of the statute refers to executors and administrators; but the enacting part is too clear to be affected by any inference to be drawn from the preamble. No straining of the words "affect any lands and tenements, or hereditaments, as to purchasers, mortgagees, or creditors," can make them operate upon pure personalty. So that the executor, who is about to distribute the personal assets of his testator, is left without any means of ascertaining and without any protection from judgments against the deceased of which, nevertheless, he may be perfectly ignorant. (Of course the executor can protect himself by proceeding under the 22nd and 23rd Vic., c. 35, sec. 29, but this is beside the present question.) Precisely the same inconvenience arose under the English statute, 2nd Vic., c. 11. The consequences which might thus follow to executors was pointed out very clearly, soon after the Act passed, by Mr. Justice Williams, in his work on executors. (Williams on Executors, Pt. 3, Bk. 2, c. 2, s. 2, p. 903, in 5th edition.) But nothing was done until a case occurred in which an executor actually suffered from this defect in the law. (Fuller *v.* Redmond, 26 Beav. 600.) The result of that decision caused considerable alarm; and the protection given to executors by the Act of William and Mary was expressly restored by the 3rd section of the 23rd and 24th Vic., c. 38, which, however, does not extend to Ireland.

I would venture to suggest that the above statement shows that the provisions contained in that section should, *mutatis mutandis*, be extended to Ireland.

The above statement with respect to the effect of an omission to register under the 7th and 8th Vic., c. 90, applies, of course, also to the effect of an omission to re-register every twenty years, under that Act, or every five years under the 13th and 14th Vic., c. 29, sec. 3, with such obvious modification only as need not be stated. It should be observed, however, that it is now settled that the omission to re-register a judgment every five years defeats its priority in favour of those purchasers, mortgagees, or creditors only, who become such at a period more than five years from the date of the registry, or of the last re-registry prior to such period, and a re-registration, though more than five years have elapsed since the last re-registration, is valid against subsequent purchasers, mortgagees, and creditors (Beavan *v.* Lord Oxford, 6 D. G. M. and G. 492.; Shaw *v.* Neale, 6 H. of L., 581; Hickson *v.* Colles, 1 Jo. and Lat. 94, see p. 113).

However, a judgment not duly re-registered every five years may, indirectly, lose its priority over purchasers, mortgagees, &c., who became such within a period of five years from the date of registry or re-registry, if there be any purchaser, or mortgagee subsequent to them who became such at an interval of more than five years from the registry or last re-registry of the judgment in question.

It was decided, by the Judicial Committee of the Privy Council, that an unredocketed judgment lost its priority, not only against a subsequent mortgagee or purchaser, but also against intervening judgments duly redocketed. (*In re* Huthwaite, 2 Ir. Ch. 54; *In re* Lowe, 4 Ir. Ch. 97; Woodroffe *v.* Greene, 12 Ir. Ch. 473—14 Ir. Ch. 224.) It was impossible to work out the provisions of the redocketing Act otherwise; and the same principle would apply to registration and re-registration under the 7th and 8th Vic., c. 90, and the 13th and 14th Vic., c. 29.

It has been held that *notice* of an unredocketed judgment does not affect a purchaser. (Beer *v.* Head, 3 Jo. and Lat. 340; *In re* Huthwaite, 2 Ir. Ch. 54.) And the same rule, it is presumed, should apply to registration.

Such is a short account of the state of the law in Ireland with respect to the registration and re-registration of judgments, entered up before the 15th July, 1850. It appears that the statutes relating to Ireland referred to, correspond substantially with previous Acts passed for England.

10. *Registry of Writs of Execution in England.*

Registry of Writs of Execution in England

The 23rd and 24th Vic., c. 38, has introduced important alterations in the law of England, which do not extend to Ireland. That statute enacts:—

23 & 24 Vic. c. 38, sec. 1.

"Whereas it is desirable to place freehold, copy-

PRACTICE AND PROCEDURE AS TO JUDGMENTS IN IRELAND.

Mr. Monahan's Statement.

hold, and customary estates on the same footing with leasehold estates, in respect of judgments, statutes, and recognizances as against purchasers and mortgagees, and also to enable purchasers and mortgagees of estates, whether freehold, copyhold, or customary or leasehold, to ascertain when execution has issued on any judgment, statute, or recognizance, and to protect them against delay in the execution of the writ: be it therefore enacted, that no judgment, statute or recognizance to be entered up after the passing of this Act shall affect any land (of whatever tenure) as to a *bonâ fide* purchaser for valuable consideration, or a mortgagee (whether such purchaser or mortgagee have notice or not of any such judgment, statute, or recognizance), unless a writ or other due process of execution of such judgment, statute, or recognizance shall have been issued and registered as hereinafter is mentioned before the execution of the conveyance or mortgage to him, and the payment of the purchase or mortgage money by him: provided always, that no judgment, statute, or recognizance to be entered up after the passing of this Act, nor any writ of execution or other process thereon, shall affect any land of whatever tenure as to a *bonâ fide* purchaser or mortgagee, although execution or other process shall have issued thereon, and have been duly registered, unless such execution or other process shall be executed and put in force within three calendar months from the time when it was registered.

Protection of Purchasers, &c., against Judgments.

Registry of Writs of Execution in England

23 & 24 Vic. c. 38, sec. 2.

"The registry hereinbefore required of any writ of execution or other due process on any judgment, statute, or recognizance, in order to bind a purchaser or mortgagee, shall be made by a memorandum or minute referring to the judgment, statute, or recognizance already registered, so as to connect the registry of the writ of execution or other process therewith; such memorandum or minute to be left with the Senior Master of the Court of Common Pleas at *Westminster*, who shall forthwith enter the particulars in a book in alphabetical order, by the name of the person in whose behalf the judgment, statute, or recognizance upon which the writ of execution or other process issued was registered, and also the year and the day of the month when every such memorandum or minute is left with him, and such officer shall be entitled for any such registry to the sum of five shillings; and all persons shall be at liberty to search the same book, in addition to all the other books in the same office, on payment of the sum of one shilling only: and all the provisions in this Act in regard to writs of execution, or other process, and the registry thereof, or otherwise relating thereto, shall extend, *mutatis mutandis*, to writs of execution or other due process issuing on judgments of the several Courts of Common Pleas of the County Palatine of *Lancaster*, and of Pleas of the County Palatine of *Durham*.

These clauses are eminently calculated to facilitate the transfer of land, and to lessen the expenses of purchasers. They have, besides, the advantages of lessening, so far as they go, the arbitrary differences which exist, in our law, between the incidents of estates in lands, of chattel tenure and freeholds.

I would venture to suggest that these provisions should be extended to Ireland, with this difference only—viz., that instead of a "writ of execution," a memorandum "that the creditor is about to present a petition to the Landed Estates Court for a sale," should be substituted.

JUDGMENT MORTGAGES.

Judgment Mortgages. Statement of Statutes.

1. *Statement of Statutes.*

The 13th and 14th Vic., c. 29, which became law on the 15th July, 1850, introduced a wholly new system into the law of judgments in Ireland, and one quite different from that of England.

13 & 14 Vic. c. 29, sec. 1.

The 1st section enacts that the 22nd section of the 3rd and 4th Vic., c. 105 (which makes judgment a charge on lands), shall not apply to any judgment entered up after the 15th July, 1850; and that no writ of elegit, or writ of execution, shall issue on foot of any judgment entered up after that date, against any lands, tenements, or hereditaments, or any estate or interest therein; nor shall any lands, tenements, or hereditaments, or any estate or interest therein, be charged or affected by any such judgment, save as provided by this Act.

PRACTICE AND PROCEDURE AS TO JUDGMENTS IN IRELAND.

Mr. Monahan's Statement.

The 2nd section applies to all judgments, and enacts that they shall not affect any interest in lands purchased for valuable consideration after the 15th July, 1850, *save as provided by this Act.*

Judgment Mortgages. Statement of Statutes.

13 & 14 Vic. c. 29, sec. 2.

The 3rd, 4th, and 5th sections relate to the re-registration of judgments, &c., and have been stated in their proper place.

Sec. 6.

The 6th section substitutes a new remedy in lieu of those taken away by the 1st and 2nd sections. It introduces the class of securities now popularly called "judgment mortgages." It enacts, that when any judgment shall be entered up *after* the 15th July, 1850, and the creditor under such judgment shall "know or believe" that the person against whom the judgment is entered up "is seised or possessed, at law or in equity, of any lands, tenements, or hereditaments, of any nature or tenure, or has any disposing power which he may, without the assent of any other person, exercise for his own benefit, and when any judgment has been entered up *before* the 15th July, 1850, and the creditor under such judgment shall know, or believe, that the person against whom such judgment is entered up is seised or possessed, as aforesaid, of, or has such disposing power as aforesaid, over any lands, tenements, or hereditaments, which by this Act are exempted from being taken in execution under such judgment (*i.e.*, lands purchased after the 15th July, 1850):—

"It shall be lawful for such creditor, at any time, and from time to time, after the entering up of such judgment, to make and file in the Court in which such judgment is entered up, an affidavit *stating* the name or title of the cause or matter, and the Court in which such judgment, decree, order, or rule has been entered up, obtained, or made, and the date of such judgment, and the names, and the usual or last known place of abode, and the title, trade, or profession of the plaintiff (if there be such), and of the defendant or person whose estate is intended to be affected by the registration, as hereinafter mentioned, of such affidavit, and the amount of the debt, damages, costs, or moneys recovered or ordered to be paid by such judgment, *and stating that*, to the best of the knowledge and belief of the deponent, the person against whom such judgment is entered up is at the time of the swearing of such affidavit so seised or possessed, or has such disposing power as aforesaid, of or over such lands, tenements, or hereditaments, and such affidavit shall specify the county and barony, or the town or county of a city, and parish, or the town and parish, in which the lands to which the affidavit relates are situate, and where such lands lie in two or more counties or baronies, or parishes or streets, or partly in one barony, parish, or street, and partly in another, the same shall be distinctly stated in such affidavit; and it shall be lawful for the creditor making such affidavit to register the same in the office for registering deeds, conveyances, and wills in *Ireland*, by depositing in such office an office copy of such affidavit; and such copy shall be numbered and transcribed, and shall be entered in the books and indexes kept in the said office, in like manner as if the same were a memorial of a deed; and for the purpose of such entries the creditor under such judgment, decree, order, or rule shall be deemed the grantee, and the debtor thereunder shall be deemed the grantor; and the amount of the debt, damages, costs, or moneys recovered or ordered to be paid thereby shall be deemed the consideration; and

Mr. Monahan's Statement.

Judgment Mortgages. Statement of Statutes.

13 & 14 Vic. c. 29, sec. 7.

the like fee shall be paid on such registration as in the case of registering a memorial of a deed."

The 7th section enacts—

"That the registration as aforesaid of such affidavit shall operate to transfer to and vest in the creditor registering such affidavit all the lands, tenements, and hereditaments mentioned therein, for all the estate and interest of which the debtor mentioned in such affidavit shall at the time of such registration be seised or possessed at law or in equity, or might at such time create by virtue of any disposing power which he might then without the assent of any other person exercise for his own benefit, but subject to redemption on payment of the money owing on the judgment mentioned in such affidavit; and such creditor, and all persons claiming through or under him, shall, in respect of such lands, tenements, and hereditaments, or such estate or interest therein as aforesaid, have all such rights, powers, and remedies whatsoever as if an effectual conveyance, assignment, appointment, or other assurance to such creditor of all such estate or interest, but subject to redemption as aforesaid, had been made, executed, and registered at the time of registering such affidavit."

Sec. 8.

The 8th section enacts—

"That where an affidavit shall be registered as aforesaid, every such conveyance and other act whatsoever, made or done after the *date of the judgment* mentioned in such affidavit, of and concerning any lands, tenements, or hereditaments mentioned in such affidavit, as under an Act of the Parliament of *Ireland* passed in the tenth year of King Charles the First, intituled "An Act against Covenous and Fraudulent Conveyances," would be deemed void against purchasers for money or other good consideration, shall be void as against the creditor registering such affidavit, and the like remedies may be had in respect of such lands, tenements, and hereditaments as if such conveyance or other act had not been made or done: provided always, that nothing herein contained shall in anywise affect the provisions of the same Act concerning conveyances, and other Acts had or made, to the intent to delay, hinder, or defraud creditors."

Sec. 9.

The 9th section enacts—

"That upon the lodgment in the said office for registering deeds, conveyances, and wills, of a certificate of the entry of satisfaction upon the roll of any judgment, or of such certificate of any decree, rule, or order having been performed, complied with, or satisfied, as is mentioned in the said Act of the twelfth year of Her Majesty, the Registrar of the said office shall, where an affidavit has been registered under this Act in respect of such judgment, decree, rule, or order, cause a memorandum of satisfaction thereof to be subscribed to the several entries of such affidavit in the books kept at the said office, specifying the date at which satisfaction of such judgments appears by such certificate to have been entered on record, or, in the case of any such decree, rule, or order, specifying the date of the certificate; and upon every certificate of search made in the said office subsequently to the entry of such memorandum as aforesaid whereon such affidavit shall appear the entry of such memorandum shall be stated."

Sec. 11.

The 11th section enacts—

"That in the administration in Courts of Equity of the assets of any person against whom any judgment, decree, order, or rule has been or shall be entered up, obtained, or made, either before or after the passing of this Act, who shall die seised of or entitled to any estate or interest in lands, tenements, or hereditaments, the creditor under such judgment, decree, order, or rule shall have the same rights upon and in respect of such lands, tenements, or hereditaments as if this Act had not been passed."

The 10th section preserves the procedure by writ of *fieri facias*, which will be noticed further on.

Mr. Monahan's Statement.

Judgment Mortgages. Statement of Statutes.

For the purposes of registration under the 13th and 14th Vict., cap. 29, a form of affidavit was very generally adopted, which verified on oath the possession and description of the lands to be affected only; but, in which, the other facts required by that Act to be *stated* in the affidavit, though recited or referred to on the face of the affidavit, were not covered by any verification on oath.

The validity of such registration was questioned, and the 21st and 22nd Vict., c. 105, which became law on the 2nd August, 1858, was passed. By that Act (sec. 1), the judgment creditor, or any person entitled to the money due, or any person who would be at the time entitled to register an affidavit of the judgment, was empowered, on or before the 1st of July, 1859, to make and file, in the Court in which the original affidavit was filed, a supplemental affidavit verifying

21 & 22 Vic. c. 105, sec. 1.

"Any such fact or facts theretofore stated, recited, or referred to as aforesaid; provided that, in every supplemental affidavit, the description and residence, or last known place of abode of the defendant or defendants, as then known or existing, shall be stated, and such statement shall be deemed and taken as if the description and abode of the defendant or defendants had been verified in the original affidavit.

"An office copy of the supplemental affidavit should be annexed to the copy of the original affidavit, previously deposited in the registry office, and the officer of the registry is authorized to receive the same fees on registration of the supplemental affidavit as on an original affidavit."

The section goes on to provide that—

"Such supplemental affidavit when so registered shall have the like operation and effect as if the facts so verified by same had been verified on oath in such original affidavit."

Nothing in this Act

"Shall prejudice the right or title of any person who shall, previously to the passing thereof, have obtained the decision of any of Her Majesty's Superior Courts of Law at Dublin, as to the sufficiency or validity of the registration, or the priority of any judgment already registered; but every such judgment already registered shall entitle the person by whom such decision has been obtained, his executors, administrators, and assigns, to the same rights and benefits to which he would have been entitled if this Act had not passed; so, nevertheless, that no person claiming the benefit of this proviso shall be entitled to avail himself of this Act, or of the powers hereby given for the purpose of supplying any defect in the registration of such judgment."

21 & 22 Vic. c. 105. sec. 2.

Section 2 provides that no title to lands purchased under a judicial sale thereof, theretofore made in any cause or matter, at the suit of any person, in respect of a judgment, shall be impeached by reason of "such defect as aforesaid," in the form of the registered affidavit, and that no supplemental affidavit shall be necessary to render the registration thereof valid; provided that nothing therein contained shall operate to give validity to any registration under the previous Act, where the original affidavit shall have omitted to verify the fact of the seisin or possession, or the description of the lands, against which the registration was intended to operate; and provided also, that nothing therein contained shall affect the validity of any payment in full, or part discharge of any such judgment heretofore made.

Sec. 3.

Sec. 3 defines the word creditor, as used in the 13th and 14th Vic., c. 29, and in this Act, to mean and include—

"Any number of persons jointly interested as creditors in relation to such judgment, and also all joint stock, banking, and other companies, and corporate bodies."

And provides that the affidavit may be made by—

"Any one or more of such persons so jointly interested, the public officer authorized to sue, or be sued, *or to make oaths* on behalf of such joint stock company, or by the secretary, deputy secretary, or law-agent of any corporate body, and that in an affidavit made by any such public officer, secretary, deputy secretary, or law-agent, a description of the town or place where the business or principal office of such joint stock company or corporate body is carried on or situate, shall be deemed to be a sufficient description of the usual place of abode of the deponent within the meaning of the 12th and 13th Vic., c. 29."

It also provides that where, from the absence of the creditors, or other reasonable cause, the affidavit cannot be made by the creditor, it may be made by such person as the Court shall direct.

Sec. 4 provides that the registration shall not be deemed invalid by reason of the affidavit under the 13th and 14th Vic., c. 29, or this Act, having been made by one only of several conusees.

Sec. 5 provides that, when a subscription of a memorandum of satisfaction shall be made to the entry of any affidavit in the manner authorized by the 9th section of 13th and 14th Vic., c. 29, the registration shall be

"Deemed and taken as null and void, and otherwise (*sic*) as if no such registration had been effected; and the legal or other estate affected by such registration shall, without any further deed, conveyance, or assurance, be and thereby become vested in the person or persons in whom such legal or other estate would have been then vested, if no such registration had been theretofore effected."

Construction of Statutes.

2. *Construction of Statutes.*

There is a great deal of inaccuracy in the language of the above statute, which can hardly fail to give rise to difficulties and litigation hereafter. Taking the clauses in their order, it appears tolerably clearly that the object of the second section was to provide a means for curing the defects known to exist in many of the affidavits then already registered, and to give the registration of the original affidavit, upon the registration of the supplemental affidavit, the same effect *ab initio* which it would have had if the original affidavit had been properly framed; subject, however, to certain savings introduced at the close of the section.

This intention is expressed with singular inaccuracy by the words, "the supplemental affidavit, when so registered, shall have the like operation and effect as if the facts so verified by same had been verified on oath in such original affidavit."

This criticism is perhaps too minute. But the saving proviso at the end of this clause presents more substantial matters of observation. It is really difficult to guess what cases were intended to be provided for. Does it provide for a case where the decision alluded to has been adverse to the validity of the registration of the judgment alluded to, or is it confined to cases where the decision has been that the registration has been valid? Who is the person who has obtained the decision? Does the "decision" include an order on an interlocutory motion, or of a single Judge? Why is the saving clause limited to the decision of a Court of Law? And who is the person "claiming the benefit of this proviso?" Why is he to be excluded from availing himself of the powers of filing a supplemental affidavit, &c., given by this Act?

The provisions of the 13th and 14th Vic., c. 29, above stated, have given rise to a deplorable amount of litigation and hardship. The complicated provisions of the 6th section have, in very many cases, not been accurately complied with by the parties registering the affidavits, and the Courts have, in several instances, held that a very slight failure in compliance with the requirements of this statute has the effect of vitiating the registration altogether.

One class of cases was partly provided for by the 21st and 22nd Vic., c. 105; but several cases, of course, are not affected by its provisions. In M'Dowell *v.* Wheatly (7 Ir. C. L. R., 562), the affidavit omitted to state distinctly the "usual or last known place of abode, and the title, trade, or profession of the defendant;" the Court of Common Pleas held the registration void. *In re* Fitzgerald's estate (11 Ir. Ch., 278), the last known place of abode was described thus, "late of the town of Galway, but now of the county of Dublin." The Court of Appeal in Chancery considered the description too vague, and the registration void. In the same case, the affidavit stated the amount of the judgment debt, namely £894, correctly, but stated the costs to be £3 2*s.* 8*d.*; the amount of the costs mentioned in the record of the judgment was £2 2*s.* 8*d.*; the Court of Appeal considered the variance fatal. *In re* Crispi (7 Ir. Jur., 119,) the judgment had been entered on a verdict by a jury, awarding 6*d.* costs in the usual way; the affidavit omitted to mention this 6*d.* Judge Longfield held the registration invalid.

In the same case the parish in which the premises were situated was described in the affidavit as St. Michan's, in the city of Dublin, the premises were, in fact, situated in St. Michael's parish; the error was considered fatal. *In re* Morrow's estate (7 Ir. Jur., 403), the lands were described as the lands of A, B, and C, situate in the baronies of E, F, and G. Judge Hargreave considered the affidavit bad, and his decision was affirmed by the Court of Appeal (14 Ir. Ch. 44.) *In re* Smith and Ross (11 Ir. Ch. 397), the Judge of the Court of Bankruptcy, in his judgment, appears to cast some doubt on the decision of the Court of Common Pleas in M'Dowell *v.* Wheatly; but the case before him did not call for a decision on the point. Some similar observations occur in the judgment of the Master of the Rolls in Woodroffe *v.* Green (12 Ir. Ch., 473); but the case remains not overruled, and its authority was recognised in most of the other cases to which I have referred. Those cases show how slight an error may have the result of vitiating the judgment mortage altogether.

The construction of the 7th section, also, has given rise to a great deal of difference of opinion. It has, however, been settled by the decision of the House of Lords, in Eyre *v.* M'Dowell (9 H. of L., 619), which confirms the case of M'Auley *v.* Clarendon (8 Ir. Ch., 121, 568), and overrules Corbett *v.* De Cantillon (5 Ir. Ch., 126), Montgomery *v.* M'Evoy (5 Ir. Ch., 128), and *In re* Hamilton's estate (9 Ir. Ch., 512).

The result of Eyre *v.* M'Dowell is, shortly, this. The security obtained by the judgment creditor, under the present statute, is puisne to all charges and equitable liens which affect the lands named in the hands of the judgment debtor himself, whether the judgment creditor has notice of them or not. The charge obtained by a judgment mortgagee is confined to the lands named in the affidavit; and as against those lands it takes precisely the same priority which a judgment would

PRACTICE AND PROCEDURE AS TO JUDGMENTS IN IRELAND.

Mr. Monahan's Statement.

Judgment Mortgages. Construction of Statutes.

have had under the 3rd and 4th Vic., c. 105, against the whole of the debtor's lands.

If the judgment debtor has the legal estate in him at the time of the registration of the affidavit, the judgment mortgagee may maintain an action of ejectment against the debtor without any previous demand of possession or notice to quit. It appears also that he may obtain a receiver under the Mortgage Act.

Besides the questions resolved by Eyre *v.* M'Dowell, many difficulties must yet occur in carrying out the provisions of this statute, should it continue to be law. I have mentioned some of them in the introduction to this statement. It is a singularly harsh law which enables a creditor who obtains a judgment for £5 or less, by a summary proceeding behind the back of his debtor, to transfer the legal estate in lands of any amount to himself. Every lease made by the debtor after the affidavit has been registered may be impeached. Besides, questions of considerable difficulty must still occur with respect to the operation of this strange power given to creditors. I have already suggested the case of a leasehold interest subject to rent and covenants.

A very serious inconvenience also arises from the circumstance that judgment mortgages, when once registered in the office for the registry of deeds, &c., require no re-registry to keep them alive against purchasers: so that, though a judgment creditor may be paid off, or barred by the statute of limitations, his judgment must remain always a blot on the title to land, adding to the expense and difficulty of sales. Under the ninth section of the 13th and 14th Vic., c. 29, a certificate of satisfaction of the judgment may be lodged at the Registry Office; but this formality may easily, especially in the case of small judgments, be neglected.

The great advantage of the system of re-registry every five years, and of the registry of writs of execution, now adopted in England, is that stale judgments and those satisfied or barred by lapse of time, disappear of themselves from the books which purchasers of land search through, and cease to clog the transfer of land altogether.

I believe that a very general opinion now exists, in the profession and amongst the public, that the system of judgment mortgages should be discontinued. If it be discontinued for the future only, a new class of judgments will be added to the number of classes of judgments, already too numerous. I venture to suggest that it follows from the foregoing statement that, without any injustice to judgment mortgagees, and without any sacrifice of their rights, the clauses of the 13th and 14th Vic., c. 29, may be repealed by a retrospective Act, and all judgments, both past and future, may be placed on the same footing on which all judgments in England stand, viz., as equitable charges on land.

The provisions of the eighth section of the 13th and 14th Vic., c. 29, which make voluntary deeds void as against the judgment mortgage, must continue applicable to all judgments already registered as mortgages. It is impossible, without injustice, to deprive judgment mortgagees, who may have relied on this provision, of the benefits conferred on them by it; and, of course, a saving clause must be introduced to protect those who may have become purchasers, &c., or have otherwise acted on the faith of the judgment affecting the named lands only; but subject to these savings, the whole law of judgments in Ireland will be reduced to a uniform and simple system, and will be assimilated, so far as is practicable, to that of England. The effect on the rights of the judgment creditor by the change I have suggested is this. He continues to be an incumbrancer on the whole of the debtor's lands in the same priority in which he is now an incumbrancer on the lands named in the affidavit only. Eyre *v.* M'Dowell shows that the judgment creditor will lose no priority so far as prior charges are concerned.

He will not lose any priority over subsequent incumbrances. In England the circumstance that an incumbrancer does not possess the legal estate often affects his priority over charges subsequent in date to his own. In Ireland, where the prior incumbrance is created by an instrument duly registered in the office for the registry of deeds, the fact that a subsequent incumbrancer gets the legal estate, whether with or without notice of the registered charge, cannot affect the priority of the registered incumbrancer. (Hill *v.* Mill, 3 H. of L. C. 828.)

Therefore, the changes which I have proposed cannot, in any way, affect the priority of the judgment creditors who have registered affidavits, provided only a clause be added to the effect that when an affidavit has been registered the judgment shall affect the land precisely in the same way as if the instrument creating the charge spoken of in the 22nd section of the 3rd and 4th Vic., c. 105, had been duly registered in the office for the registry of deeds, &c.

I should also venture to suggest that, in order to retain their priority against future purchasers, mortgagees, and creditors, the judgment mortgagees should be compelled, within a limited time, to register their judgments in the judgment office, and to re-register them every five years. When the time so limited shall have expired, affidavits of judgments need not be included in the searches in the deeds office.

When the judgment has been duly registered in the judgment office, the public will have ample means of obtaining information about it, and the minute details contained in the affidavit will cease to be needed. It may, then, be safely provided that, as soon as the judgment has been duly registered in the registry office of judgments, subsequent purchasers, mortgagees, and creditors, shall not be allowed to object to the affidavit of the judgment registered in the office of registry of deeds, on the ground of any such omission as was held fatal in Wheatly *v.* M'Dowell and the other similar cases to which I have referred above, provided the affidavit contains enough to identify the judgment. It is obvious that this last provision will be a very great boon to judgment mortgagees.

The judgment creditor who has registered his judgment as a mortgage will be deprived of one, and only one, of the modes of procedure which, in some few cases, he possesses at present. He will no longer be able to bring an ejectment on the title against his debtor. But I apprehend that this mode of procedure is seldom resorted to, save as a mode of oppression, and is really of little practical value. I venture to think that the judgment creditors will be amply compensated for any loss they may thus suffer by the advantages which the new system will give them.

The Assignment of Judgments.

Judgments, being choses in action, could not be assigned at common law; but Courts of Equity recognised and enforced assignments for

Mr. Monahan's Statement.

valuable consideration of all choses in action, including, of course, judgments.

Irish judgments were first made legally assignable by the 9th Geo. II., c. 5, which was explained by the 25 Geo. II., c 14, sec. 1, and made perpetual by the 12th Geo. III., c. 19, sec. 3. These statutes are peculiar to Ireland. They have been repealed, as to all judgments entered up after the 1st August, 1849, by the 12th and 13th Vic., c. 95, sec. 1.

The Assignment of Judgments.

9 Geo. II. c. 5, sec. 1.

The 9th Geo. II., c. 5, sec. 1, enacts that, when the *conusor* of a judgment, or his executors, &c., shall assign the same, he or they shall also perfect a memorial of such assignment under hand and seal, attested by two or more credible witnesses, containing "the name and addition" of the assignor, the "name" of the assignee, and "the sum or sums of money mentioned in such assignment to be remaining due and unsatisfied upon such judgment;" also the day and year when "such assignment" was perfected. One of the witnesses to the memorial, who must also be a witness to the assignment, shall make an affidavit, at the foot of such memorial, of the perfection of the assignment and of the memorial. The memorial and affidavit shall be lodged in the office where the judgment is entered. The officer is required to enter the memorial on a roll, to be kept for that purpose, and to indorse on the assignment the date and hour of the day of the lodging and proving the memorial. He is also directed to enter at foot of the judgment assigned the number and roll of the memorial. The officer is given a fee of six shillings and eightpence for the whole of the above proceedings.

Sec. 2.

The second section enacts that, after the entry of the memorial, the assignee and his representative, and no other person, may revive the judgment, in their own names issue execution thereon (reciting the special matter), and discharge and release the same. The assignee may himself assign in the same manner as the original conusor.

Sec. 3.

The third section provides that the conusor and his representatives shall have the same remedies and defences against the assignee as they would have had against the original conusee if the judgment had not been assigned.

25 Geo. II. c. 14, sec. 1.

The first section of the 25th Geo. II., c. 14, declares that the assignee of a judgment, under the preceding statute, may not only revive the judgment, and issue execution on foot thereof, but may also bring an action of debt, or otherwise sue or proceed thereon in his own name, and that he shall "be considered to all intents and purposes in the place, stead, and condition, either at law or in equity, of the assignor."

Several cases have been decided on the construction of the statutes 9th Geo., IV., c. 5, and 25th Geo. II., c. 14, which need not be referred to here. (The cases are collected by the late Mr. Vance, in his treatise on the Irish Statutes, p. 103.) The construction of the statutes is very well settled, and becomes, besides, of less consequence every year. It does not appear to be practicable to make any useful alteration in the statutes, so far as they still operate, and the scope of their operation becomes continually less and less. It is, of course, impossible to repeal them by a retrospective statute, and I suppose that no one desires to see them re-enacted. I venture, therefore, to suggest that these statutes may be left untouched in future legislation on the subject, and that the repealing provisions of the 12th and 13th Vic., c. 95, sec. 1, should remain in force.

Operation of Judgments upon Chattel Interest in Lands.

PRACTICE AND PROCEDURE AS TO JUDGMENTS IN IRELAND.

Mr. Monahan's Statement.

Operation of Judgments upon Chattel Interest in Lands.

Chattel interests in lands may be sold by the sheriff, under the ordinary writ of *fieri facias*. I have already stated that they can be extended under a writ of elegit. (See also Westbrook *v.* Blythe, 3 E. and B. 737.)

The proceeding by *fieri facias* is substantially the same in Ireland and in England,

It has been already stated that, even before the statute of frauds, judgments did not bind chattels (including chattel interests in lands) in the hands of a purchaser until after execution awarded. (Lord St. Leonards, V. and P., 13th edn. 417.)

7 Wm. III. c. 12, sec. 12.

The 12th section of the statute of frauds (which is copied from the 16th section of the English statute of frauds, 29 Car. II., c. 19), enacts "that no writ of *fieri facias* or other writ of execution shall bind the property of the *goods* of the party against whom such writ of execution is sued forth, but from the time such writ shall be delivered to the sheriff, under-sheriff, or coroner to be executed: and for the better manifestation of the said time, the sheriff, &c., shall, upon the receipt of any such writ, without fee, indorse upon the backside thereof the day of the month and year of receiving the same."

It seems to be the better opinion that chattel interests in lands are included in the word "goods," in these enactments (Causton *v.* Macklew, 2 Sim. 243; Williams *v.* Craddock, 4 Sim. 313; Sug. V. and P., 5th edn., p. 404; Lewin on Trusts, 3rd edn., p. 647.)

19 & 20 Vic. c. 97, sec. 1.

It has not yet been settled whether chattel interests in lands are included in the word "goods," in the 1st section of the "Mercantile Law Amendment Act, 1856," which enacts "that no writ of *fieri facias*, or other writ of execution, and no writ of attachment against the goods of a debtor, shall prejudice the title to such goods acquired by any person *bona fide*, and for valuable consideration, before the actual seizure and attachment thereof by virtue of such writ; provided such person had not, at the time when he acquired such title, notice that such writ, or any other writ by virtue of which the goods of such owner might be seized or attached, had been delivered to, and remained unexecuted in the hands of the sheriff, under-sheriff, or coroner." (Lewin on Trusts, 3rd ed., 647; Lord St. Leonards, V. and P., 14th ed., p. 524, *n.* r.) It would be well to remove any doubt on this point by legislative declaration.

The 3rd and 4th Vic., c. 105, sec. 22, already stated, of course, makes judgments prior to the 15th of July, 1850, a specific charge upon the debtor's chattel interest in lands.

7 & 8 Vic. c. 90.

The 8th section of the 7th and 8th Vic., c. 90, which, as above stated, introduced the system of registering judgments, enacts—"That, as against a purchaser or mortgagee without notice of such judgments, &c., none of such judgments, &c., shall bind or affect any lands, tenements, or hereditaments, or any interest therein, further or otherwise, or more extensively in any respect, although duly registered or re-registered, than a judgment of any of the Superior Courts aforesaid would have bound such purchaser or mortgagee before the 3rd and 4th Vic., c. 105, where it had been duly docketed according to the law then in force."

Therefore, since a judgment before the 3rd and 4th Vic., c. 105, would not have affected chattel interests in lands against purchasers without notice before execution awarded, it follows that, under the eighth section of the 7th and 8th Vic.,

Mr. Monahan's Statement.

c. 90, the same rule continues still in force as to all judgments prior to the 15th July, 1850.

This was so decided by the Court of Queen's Bench in England, in Westbrook *v.* Blythe 3 E. and B. 737), on the construction of the English statutes, 1st and 2nd Vic., c. 110, and 2nd and 3rd Vic., c. 11, which are substantially similar to the Irish statutes to which I have referred. Of course a judgment mortgage binds leaseholds against purchasers from the time of the registry of the affidavit; and in reducing judgment mortgages to the status of equitable charges on land, care must be taken not to deprive them of this privilege. This, however, will be effected by the provision which I have suggested, making them equivalent to registered charges, and by taking care that the above clause of the 8th and 9th Vic., c. 90, is not extended to them. The procedure by *fieri facias* is not affected by the 13th and 14th Vic., c. 29 (see sec. 10).

Operation of Judgments upon Chattel Interest in Lands.

Decrees, Rules, and Orders.

DECREES, RULES, AND ORDERS.

The 3rd and 4th Vic., c. 105, sec. 27, which is copied from the English statute, 1st and 2nd Vic., c. 110, sec. 18, gives the operation and effect of "judgments in the Superior Courts of Common Law" to all decrees and orders of the Court of Chancery, and of the Court of Exchequer at the equity side thereof, and all rules of any of the Superior Courts of Common Law, and all orders of the Lord Chancellor, or Master of the Rolls, or of the Court of Commissioners of Bankruptcy, and all orders of the Lord Chancellor in matters of lunacy, whereby any sum of money, or any costs, charges, or expenses shall be payable to any person. A registry of decrees, orders, &c., was also established, which was consolidated with the general registry of judgments by the 7th and 8th Vic., c. 90. They are also included in the provisions of the 13th and 14th Vic., c. 29, requiring a re-registry of judgments every five years. It has been decided in England, that orders of the Probate Court are not within these provisions (Pratt *v.* Bull, 1 D. G., Jo. and Sm., 141.) That decision is applicable to this country. I venture to submit that orders of the Probate Court should be placed in the same position as judgments of the Superior Courts. It is doubtful whether the principle of the decision of Pratt *v.* Bull may not apply to the construction of the "Irish Bankrupt and Insolvent Act, 1857." It would appear to be expedient to prevent any question of the sort from arising by a declaratory enactment.

Judgments of Inferior Courts.

JUDGMENTS OF INFERIOR COURTS.

The 30th section of the 3rd and 4th Vic., cap. 105, contains provisions purporting to authorize the removal of certain judgments obtained in Inferior Courts to a Superior Court and giving the removed judgment the effect of a judgment originally obtained in the Superior Court.

Decrees of Assistant Barristers are expressly excluded from the operation of this clause. It can have hardly any practical operation, and I venture to submit that, with a view to the disembarrassment of the judgment code from useless incumbrance, it should be repealed.

Attestation of Warrants of Attorney. 3 & 4 Vic. c. 105, sec. 10.

ATTESTATION OF WARRANTS OF ATTORNEY.

The 10th section of the 3rd and 4th Vic., c. 105, provides that, after the 1st November, 1840,—

"No warrant of attorney to confess judgment in any personal action or *cognovit actionem* given by any person (save and except a warrant of attorney to confess judgment in an action upon a bond or writing obligatory, recited therein or collateral therewith,) shall be of any force unless there shall be present some attorney of one of the Superior Courts on behalf of such person, expressly named by him, and attending at his request, to inform him of the nature and effect of such warrant or cognovit, before the same is executed; which attorney shall subscribe his name as a witness to the due execution thereof, and thereby declare himself to be attorney for the person executing the same, and state that he subscribes as such attorney."

PRACTICE AND PROCEDURE AS TO JUDGMENTS IN IRELAND.

Mr. Monahan's Statement.

Attestation of Warrants of Attorney. 3 & 4 Vic. c. 105, s. 11.

The 11th section enacts—

"That a warrant of attorney to confess judgment, or *cognovit actionem*, (save and except as aforesaid,) not executed in manner aforesaid, shall not be rendered valid by proof that the person executing the same did, in fact, understand the nature and effect thereof, or was duly informed of the same."

The foregoing clauses differ from the English enactment, 1st and 2nd Vic. c. 110, secs. 9 and 10, only in the exception of warrants of attorney recited in or collateral with bonds, which is not contained in the latter statute. The 93rd General Order of the 11th January, 1854, abolishes this exception in cases where the person executing a warrant of attorney, collateral with or recited in a bond, is "in the custody of a sheriff or other officer."

It is not easy to understand why this difference between the law of Ireland and that of England should exist in any case.

The above enactments have been considered and construed in several reported cases (see Chitty's Arch., 911, *et seq.* Nolan *v.* Gumley, 8 Ir. Jur. N. S. 253) which need not be referred to here. Their construction is very well settled; and, with the exception of the abolition of the saving, in the Irish enactment, of judgments on bonds, they do not appear to need any alteration. They might, however, be very easily, and with great convenience, included in any statute consolidating the law of judgments in Ireland.

Seizure in Execution of Money, Bank Notes, Securities for Money, &c. 3 & 4 Vic. c. 105, sec. 20.

SEIZURE IN EXECUTION OF MONEY, BANK NOTES, SECURITIES FOR MONEY, &c.

The 3rd and 4th Vic., c. 105, sec. 20, enacted—

"That by virtue of any writ of *fieri facias*, to be sued out of any superior or inferior Court, after the 1st November, 1840, the sheriff may and shall seize and take any money or bank notes (whether of the Governor and Company of the Bank of Ireland, or of any other bank or bankers), and any cheques, bills of exchange, promissory notes, bonds, specialties, or other securities for money, belonging to the person against whose effects such writ of *fieri facias* shall be sued out; and may and shall pay or deliver to the party suing out such execution any money or bank notes which shall be so seized, or a sufficient part thereof, and may and shall hold any such cheques, bills of exchange, promissory notes, bonds, specialties, or other securities for money, as a security or securities for the amount by such writ of *fieri facias* directed to be levied, or so much thereof as shall not have been otherwise levied and raised; and may sue, in the name of such sheriff, for the recovery of the sum or sums secured thereby, if and when the time of payment thereof shall have arrived, and that the payment to such sheriff by the party liable on any such cheque, bill of exchange, promissory note, bond, specialty, or other security, with or without suit, or the recovery and levying execution against the party so liable, shall discharge him to the extent of such payment or of such recovery and levy in execution, as the case may be, from his liability on any such cheque, bill of exchange, promissory note, bond, specialty, or other security; and such sheriff may and shall pay over to the party suing out such writ the money so to be re-

Seizure in Execution of Money, Bank Notes, Securities for Money, &c.

covered, or such part thereof as shall be sufficient to discharge the amount by such writ directed to be levied; and if, after satisfaction of the amount so to be levied, together with sheriff's poundage and expenses, any surplus shall remain in the hands of such sheriff, the same shall be paid to the party against whom such writ shall be so issued: provided that no such sheriff shall be bound to sue any party liable upon any such cheque, bill of exchange, promissory note, bond, specialty, or other security, unless the party suing out such execution shall enter into a bond, with two sufficient sureties, for indemnifying him from all costs and expenses to be incurred in the prosecution of such action, or to which he may become liable in consequence thereof, the amount of such bond or the sufficiency of such sureties, or such amount and such sufficiency, to be determined by the Prothonotary or Clerk of the Pleas of the Court in which such action shall be brought, or, if the Court shall so order, by a Commissioner of such Court authorized to take special bail, and the expense of such bond to be deducted out of any money to be recovered in such action."

16 & 17 Vic. c. 113, sec. 131.

This enactment was repealed (except so far as relates to the jurisdiction of a Court of Equity) by the Common Law Procedure Act, 1853. It is, substantially, re-enacted by the 131st section of that statute.

The 3rd and 4th Vic., c. 105, sec. 20, is, *mutatis mutandis*, a copy of the previous English enactment, 1 and 2 Vic., c. 110, sec. 12.

In Alleyne *v.* Darcy (5 Ir. Ch. R. 56), the Lord Chancellor held that a policy of insurance on the life of the judgment debtor is not, during the debtor's life, a "security for money" within the meaning of the above clauses.

In Stokoe *v.* Cowan (29 Beav. 639), Sir John Romilly decided differently. Alleyne *v.* Darcy, however, was not cited, and the question did not, in fact, arise until after the judgment debtor's death. If these clauses, as they may with great propriety, should be included in any consolidating statute, it will be well to provide expressly for the case of policies of insurance.

It does not appear to be necessary to refer to any other of the numerous cases which have been decided on the construction of these clauses; inasmuch as they do not suggest any useful alteration.

Attachment of Government Stock, &c., by Charging Order.

Attachment of Government Stock, &c., by Charging Order.

3 & 4 Vic. c. 105, sec. 23.

The 3rd and 4th Vic., c. 105, sec. 23, enacts:—

"That if any person against whom any judgment shall have been entered shall have any Government stock, funds, or annuities, or any stock or shares of or in any public company in Ireland, standing in his name in his own right, or in the name of any person in trust for him, it shall be lawful for the Court of Chancery, on petition, and also for any of the Superior Courts of Law, or a Judge thereof, on the application of any judgment creditor, to order that such stock, funds, &c., shall stand charged with the payment of the amount for which judgment shall have been so recovered and interest thereon; and *such order shall entitle the judgment creditor to all such remedies as he would have been entitled to if such charge had been made in his favour by the judgment debtor;* and the provisions last aforesaid shall extend to the interest of any judgment debtor, whether in possession, remainder, or reversion, and whether vested or contingent, as well in any such stocks, funds, &c., as also in the dividends, interest, or annual produce of any such stock, funds, &c., and whenever any such judgment debtor shall have any estate, right, title, or interest, vested or contingent, in possession, remainder, or reversion, in, to, or out of any such stock, funds, &c., which shall be standing in the name of the Accountant-General of the Court of Chancery, or in, to, or out of the dividends, interest, or annual produce thereof, it shall be lawful for such Court or Judge to make any order as to such stock, funds, &c., or the interest, dividends, or annual produce thereof, in the same way as if the same had been standing in the name of a trustee of such judgment debtor: provided always, that no order of any Court or Judge as to any stock, funds, &c., or shares standing in the name of the Accountant-General of the Court of Chancery, or as to the interest, dividends, or annual produce thereof, shall prevent the Governor and Company of the Bank of Ireland, or any public company, from permitting any transfer of such stocks, funds, &c., or payment, of the interest, dividends, or annual produce thereof, in such manner as the Court of Chancery may direct, or shall have any greater effect than if such debtor had charged such stock, funds, annuities, or shares, or the interest, dividends, or annual produce thereof, in favour of the judgment creditor, with the amount of the sum to be mentioned in any such order: provided also, that no proceedings shall be taken, save by the presenting of such petition as aforesaid, to have the benefit of such charge until after the expiration of six calendar months from the date of such order."

The 24th section provides the mode of application for a charging order, and defines its effect. The order is made in the first instance on an *ex-parte* application, and is an order to show cause only. These clauses are copied from the English statutes 1 and 2 Vic., c. 110, secs. 14 and 15, and 3 and 4 Vic., c. 82, sec. 1. They differ from them by giving the power to make a charging order to Courts of Equity, on petition. The 1 and 2 Vic., c. 110, sec. 14, gives the power to make the charging order to a "Judge of one of the Superior Courts."

16 & 17 Vic. c. 113.

The Common Law Procedure Act, 1853, repeals the above clauses (except so far as relates to the jurisdiction of Courts of Equity).

The latter statute (sections 132–135) confers similar but more extensive powers of making charging orders on "the Court or a Judge."

The charging order, under the 3rd and 4th Vic., c. 105, operates only as if the charge had been made by the judgment debtor himself. And in order to obtain an actual transfer of the fund, the creditor was obliged to have recourse to a suit in equity. Section 133 of the Common Law Procedure Act enables the Court or a Judge to make an order for the actual transfer of the fund.

Section 135 of the Common Law Procedure Act empowers the Court or a Judge to make charging orders on funds standing in the name of the Accountant-General of the Court of Chancery. It is, substantially, in these words:—

Sec. 135.

"If such debtor shall have an estate or interest in any stock, funds, annuities, or shares, *or money*, which shall be standing in the name of the Accountant-General of the Court of Chancery, or of the Master of any Superior Court of Common Law, or in the dividends, interest, or annual produce thereof, it shall be lawful for the Court or a Judge to make such order as to such stock, funds, annuities, shares, and the dividends, interest, and annual produce thereof, as if the same had been standing in the name of a trustee for such judgment debtor," &c.

Though the word money occurs in the commencement of this clause, it has been omitted from the enacting part. It was decided, by the Lord Chief Justice and Mr. Justice O'Brien, that *money*, standing in the name of the Accountant-General of the Court of Chancery, can be attached (see Quin *v.* O'Keeffe, 10 Ir. C. L. 393, 10 Ir. Ch. R. 151). The operation of this clause was

Mr. Monahan's Statement.

extended to money, &c., lodged in the Landed Estates Court by the 23 and 24 Vic., c. 82.

Operation of Judgments on Ecclesiastical Benefices.

OPERATION OF JUDGMENTS ON ECCLESIASTICAL BENEFICES.

The Common Law Procedure Act, 1853, sec. 136, provides for the issuing of a writ of execution *de bonis ecclesiasticis*, which appears to be substantially similar to the writ of *sequestrari facias* used in England. It provides, however, for the extension of a sequestration granted on foot of one judgment to the matter of other judgments without the necessity of new writs of execution.

16 & 17 Vic. c. 113, sec. 136.

It has been decided by the Court of Appeal in England, that the 13th section of the 1st and 2nd Vic., c. 110, does not make a judgment against a clergyman a charge on his benefice. (Hawkins *v.* Gathercole, 6 DG. M. and G., 1.)

After some decisions the other way, the Court of Appeal here has given the same construction to the 3rd and 4th Vic., c. 105, sec. 19. (Sweeny *v.* Fleming, 14 Ir. Ch. 23.)

Judgments against Executors and Administrators.

JUDGMENTS AGAINST EXECUTORS AND ADMINISTRATORS.

Under this head it is only necessary to refer to the difference between the modes of proceeding in England and in Ireland, to execution on a judgment *de bonis testatoris*. In England the sheriff, may, if he does not find assets of the testator, return either *nulla bona* generally, or *nulla bona* and *devastavit*. The more usual mode of proceeding appears to be by an action of debt on the judgment suggesting a *devastavit* (Wms. Exors., 1798.)

In *Ireland*, the sheriff, before returning a *devastavit*, must hold an inquisition before a jury (Common Law Procedure Act, 1853, sec. 137); and on the return of the *devastavit*, the plaintiff is entitled to immediate execution *de bonis propriis*, without further rule or judgment. (*Ib.*)

16 & 17 Vic. c. 113, sec. 137.

The Effect of the Bankruptcy or Insolvency of the Judgment Debtor.

THE EFFECT OF THE BANKRUPTCY OR INSOLVENCY OF THE JUDGMENT DEBTOR.

Under the old Bankrupt Acts, and before the passing of the 3rd and 4th Vic., c. 105, all judgments were levelled in Bankruptcy. The 3rd and 4th Vic., c. 105, sec. 22 (which makes judgments specific charges on lands), provides that "such charge shall not operate to give the judgment creditor any preference in case of the bankruptcy of the judgment debtor, unless such judgment shall have been entered up one year at least before the bankruptcy." But when the year has expired, and the judgment is duly registered, the lien given by the 3rd and 4th Vic., c. 105, sec. 22, is binding against the assignees in bankruptcy of the judgment debtor. (See Re Boyle, 3 DG. M. and G., 515; decided on the construction of the English statute 12th and 13th Vic., c. 106, which, so far as this point is concerned, is similar to the Irish Bankrupt and Insolvent Act, 1857.)

20 & 21 Vic. c. 60, sec. 331.

The Irish Bankrupt and Insolvent Act, 1857, sec. 331, provides that judgments registered as mortgages shall not be entitled to preference in bankruptcy, unless the affidavit shall have been registered three months before the filing of the petition.

So that, in this respect, judgments registered as mortgages possess an advantage which must be preserved for them in any statute reducing them to the position of equitable charges on land. It is obvious that this can be very easily effected.

PRACTICE AND PROCEDURE AS TO JUDGMENTS IN IRELAND.

Mr. Monahan's Statement.

The 12th section of the 3rd and 4th Vic., c. 105, enacts:—

"That, after the 1st November, 1840, if the holder thereof shall think fit, every warrant of attorney to confess judgment in any personal action, or a true copy thereof, and of the attestation thereof, and the defeasance and endorsement thereon (if any), shall, within twenty-one days after the execution of such warrant of attorney, be filed, together with an affidavit of the time of the execution thereof, with the proper officer in one of Her Majesty's Superior Courts at Dublin in which judgment upon such warrant of attorney shall thereafter be entered up."

The Effect of the Bankruptcy or Insolvency of the Judgment Debtor.

The 13th section enacts that, after the 1st November, 1840:—

3 & 4 Vic. c. 105, sec. 12.

"If at any time after the expiration of twenty-one days next after the execution of such warrant of attorney, a commission of bankrupt shall be issued against the person who shall have given such warrant of attorney, under which he shall be duly found and declared a bankrupt, or any such person shall be imprisoned for debt, and file a petition in the Court for Relief of Insolvent Debtors, whereon a vesting order shall be made under the provisions of any Act to continue and amend the laws for relief of insolvent debtors in Ireland, then and in such case, unless such warrant of attorney, or a copy thereof, shall have been filed as aforesaid within the said space of twenty-one days from the execution thereof, or unless such judgment shall have been signed, or execution issued on such warrant of attorney within the same period, and in the Court in which such warrant of attorney, or such copy thereof, shall have been filed, such warrant of attorney, and the judgment and execution thereon, shall be deemed fraudulent and void against the assignees under such Commission, and against the provisional or other assignee or assignees of such prisoner appointed under such Act, and such assignee or assignees shall be entitled to recover back and receive, for the use of the creditors of such bankrupt or prisoner, all and every the moneys levied or effects seized under and by virtue of such judgment and execution."

Sec. 13.

The 14th section enacts:—

Sec. 14.

"That if such warrant of attorney shall be given subject to any defeasance or condition, such defeasance or condition shall be written on the same paper on which such warrant of attorney shall be written, before the time when the same, or a copy thereof respectively, shall be filed, otherwise such warrant of attorney shall be null and void to all intents and purposes."

The 15th section directs the Officer of the Court to keep books containing a numbered list and certain particulars of the warrants of attorney, &c., filed in the office.

The above clauses have not been repealed by the "Irish Bankrupt and Insolvent Act, 1857." That statute contains the following additional provisions:—

20 & 21 Vic. c. 60, sec. 333.

"Every warrant of attorney to confess judgment in any personal action given by any bankrupt or insolvent after the commencement of this Act, and within two months of the filing of a petition of bankruptcy or insolvency by or against such bankrupt or insolvent, and being (wholly or in part) for or in respect of antecedent debt or money demand, and every cognovit actionem or consent for judgment given by any bankrupt or insolvent at any time after the commencement of this act, and within two months of the filing of any such petition in any action commenced by collusion with the bankrupt or insolvent, and not adversely, or purporting to have been given in an action, but having been in fact given before the commencement of any action against the bankrupt or insolvent, such bankrupt or insolvent being unable to meet his engagements at the time of giving such warrant of attorney, cognovit actionem, or consent (as the case may be), shall be deemed and taken to be null and void, whether the

same shall have been given by such bankrupt or insolvent in contemplation of bankruptcy or insolvency or not.

"If after the commencement of this Act any warrant of attorney to confess judgment in any personal action, or any cognovit actionem in any personal action, shall have been given by any bankrupt or insolvent, and such warrant or cognovit, or a true copy thereof, shall not have been filed with the proper officer in the Courts at Dublin in which judgment on such warrant or cognovit shall thereafter be entered up, within twenty-one days next after the execution thereof, in manner and form provided by the Act passed in the Session of the third and fourth years of the reign of Her Majesty, chapter 105, every such warrant and cognovit shall be deemed fraudulent, null, and void, to all intents and purposes whatsoever; and if such warrant or cognovit which shall be so filed as aforesaid shall have been given subject to any defeasance or condition, such defeasance or condition shall be written on the same paper or parchment on which such warrant or cognovit shall be written, before the time when the same or a copy thereof respectively shall be filed, otherwise such warrant or cognovit shall be null and void to all intents and purposes whatever.

The Effect of the Bankruptcy or Insolvency of the Judgment Debtor.

20 & 21 Vic. c. 60, sec. 334.

Sec. 335.

"After the commencement of this Act, the provisions of the said Act passed in the Session of the third and fourth years of the reign of her present Majesty, chapter 105, with reference to the filing of warrants of attorney to confess judgment, or copies thereof, and the numbering, entering, and searching of the same, shall extend and be applicable to all pleas of confession, and cognovits actionem, and all acknowledgments and consents for judgment, and copies thereof respectively, in any suit in any of the Superior Courts of Law in Ireland, and to the numbering, entering, and searching for the same; and if at any time after twenty-one days next after the execution or signing of any plea of confession, cognovit actionem, acknowledgment or consent for judgment, a petition of bankruptcy shall be filed by or against the person, who, by himself or his attorney, shall have given such plea, cognovit, acknowledgment, or consent for judgment under which he shall be found and declared a bankrupt, or if at any time after the said period of twenty-one days a petition of insolvency shall be filed by or against such person, and an order made thereon, that such insolvent should file his schedule or be brought up to be dealt with under this Act, then unless such plea, cognovit, acknowledgment or consent for judgment, shall, within twenty-one days from the execution or signing thereof, have been filed, pursuant to the provisions of the same Act, or unless, within the same period, judgment shall have been entered thereon, and registered according to the provisions of the Act of the seventh and eighth years of the reign of her present Majesty, chapter ninety, such plea of confession, cognovit, acknowledgment, or consent for judgment, and the judgment and execution thereon, shall be deemed fraudulent and void against the assignees in bankruptcy or insolvency, and such assignees shall be entitled to recover, for the benefit of his estate, all monies levied or effects seized by virtue of any execution on such judgment.

Sec. 336.

"If at any time after twenty-one days from the entering or signing of any judgment whatsoever in any of the said Superior Courts (save and except judgments entered upon or by virtue of warrants of attorney, pleas of confession, or consents for judgments, duly filed under the provisions of this Act, or of the hereinbefore mentioned Act of the third and fourth years of the reign of her present Majesty, chapter one hundred and five) a petition of bankruptcy shall be filed against or by the person against whom such judgment shall be entered or obtained, under which he shall be duly found and declared a bankrupt, or if at any time after said period of twenty-one days a petition of insolvency shall be presented by or against such person, then and in such case, unless such judgment shall have been duly registered, within twenty-one days from the entering or signing thereof, in the said Office of the Registrar of Judgments, such judgment and any execution thereon shall be deemed fraudulent and void against the assignees under such commission or petition, and such assignees shall be entitled to recover back and receive, for the use of the creditors of such bankrupt or insolvent, all and every the moneys levied or effects seized under and by virtue of such judgment and execution.

PRACTICE AND PROCEDURE AS TO JUDGMENTS IN IRELAND.

Mr. Monahan's Statement.

These clauses of the 20th and 21st Vic., c. 60, present a good deal of difficulty in their construction. They appear eminently to require consolidation and amendment.

The clauses of this statute relating to "fraudulent preference" appear to be out of place in the present statement.

Effect of arresting the Judgment Debtor.

EFFECT OF ARRESTING THE JUDGMENT DEBTOR.

In England, where a debtor has been once arrested, with certain exceptions, no further execution can issue on the judgment.

The 35th Geo. III., c. 30, sec. 31, Ir. (which is peculiar to Ireland), enabled the plaintiff "after having charged or detained his debtor on a *Capias ad satisfaciendum*, or otherwise to have the same execution for the same debt by *elegit fieri facias*, or otherwise as if the said creditor had not been imprisoned."

16 & 17 Vic. c. 113, sec. 140.

The "Common Law Procedure Act, 1853," sec. 140, enables the sheriff, gaoler, &c., to discharge the debtor from custody on a written order, under the hand of the attorney in the cause, and provides that "such discharge shall not be a satisfaction of the debt unless made by the authority of the creditor." It appears that, notwithstanding this section, the discharge of the debtor with the assent of the creditor does not amount to a satisfaction of the debt. (Doolan *v.* Doolan, 13 Ir. C. L. 27; Seymour *v.* Clarke, ib. 537).

The 3rd and 4th Vic., c. 105, sec. 25, which is in the same words as the 1st and 2nd Vic., c. 110, sec. 16, provides:—

3 & 4 Vic. c. 105, sec. 25.

"That, if any judgment Creditor, who under the powers of this Act shall have obtained any charge, or be entitled to the benefit of any security whatsoever, shall afterwards and before the property so charged or secured shall have been converted into money or realized, and the produce thereof applied towards payment of the judgment debt, cause the person of the judgment debtor to be taken or charged in execution upon such judgment, then and in such case such judgment creditor shall be deemed and taken to have relinquished all right and title to the benefit of such charge or security, and shall forfeit the same accordingly."

It was decided in Sawyer *v.* Norris (7 Ir. Ch. R. 314), that this provision applies to the charge on land conferred by the 22nd section.

The statutes contain no express provision with respect to the effect of arresting the debtor on the right to register the judgment as a mortgage.

Interest on Judgments.

INTEREST ON JUDGMENTS.

The 3rd and 4th Vic., c. 105, sec. 26, enacts:—

Sec. 26.

"That every judgment debt due upon any judgment *not confessed or recovered for any penal sum for securing principal and interest* shall carry interest at the rate of four pounds per centum per annum from the time of entering up the judgment, or from the time of the commencement of this Act in cases of judgments then entered up and not carrying interest, until the same shall be satisfied, and such interest may be levied under a writ of execution on such judgment."

This clause, except the words in italics, is copied from the 1st and 2nd Vic., c. 110, sec. 17.

Entry of Satisfaction of Judgments.

ENTRY OF SATISFACTION OF JUDGMENTS.

The "Common Law Procedure Act, 1853," sec. 143, provides that when the judgment creditor, his personal representative, or his legal assignee,

Practice and Procedure as to Judgments in Ireland.

Mr. Monahan's Statement.

shall be willing to cause an entry of satisfaction of the judgment, *or a memorandum of part payment*, to be entered on the record, such party shall execute a satisfaction piece (the form of which is given, and which is not subject to any stamp duty); such satisfaction piece shall be executed in the presence of one witness, who shall attest its execution by affidavit. And thereupon it shall be lawful for any attorney of the Court, employed for that purpose, to require the officer to enter satisfaction, or a memorandum of part payment, on the record.

Entry of Satisfaction of Judgments.

16 & 17 Vic. c. 113, sec. 143.

Sec. 144.

Sec. 144 empowers the Court or a Judge, if it shall clearly appear to the said Court or Judge, that the debt or damages for which the judgment was obtained have been fully satisfied and discharged, to order a memorandum of satisfaction to be entered.

The English Rules of Hilary Term, 1853, contain somewhat similar but less extensive provisions. I have already referred to the enactments providing for the effect of the satisfaction of the judgment on judgment mortgages.

Release of a portion of the Lands charged.

11 & 12 Vic. c. 48, sec. 72.

RELEASE OF A PORTION OF THE LANDS CHARGED.

The 11th and 12th Vic., c. 48, sec. 72, which applies to Ireland only, provides that the release of a portion of the lands charged shall not operate to affect or nullify the judgment as to the residue of the lands, or as to any other property not specially released. That statute does not apply to releases executed before it passed. (Handcock *v.* Handcock, 1 Ir., ch. 444.)

The 22nd and 23rd Vic., c. 35, sec. 11, which extends both to England and Ireland, provides that:—

"The release from a judgment of part of any hereditaments charged therewith shall not affect the validity of the judgment as to the hereditaments remaining unreleased, or as to any other property not specifically released, *without prejudice nevertheless to the right of all persons interested in the hereditaments or property remaining unreleased, and not concurring in or confirming the release.*"

This clause is framed without regard to the above section of the 11th and 12th Vic., c. 48, which, however, is not repealed. The saving clause in italics is not contained in the 11th and 12th Vic., c. 48. It is not easy to say what effect the latter statute may have on the former.

I have the honour to submit the foregoing statement to Her Majesty's Commissioners.

(Signed,) JAMES H. MONAHAN, Jun.

Superior Courts, Common Law, Ireland.

APPENDIX B.—PAPERS on COURT FEES and LAW TAXES in SUPERIOR COURTS of COMMON LAW, IRELAND.

Court Fees and Taxes.

1. CIRCULAR to OFFICERS of SUPERIOR COURTS of COMMON LAW in IRELAND, requesting RETURNS of existing COURT FEES and other LAW TAXES, specifying the Rules by which they are imposed.

English and Irish Law and Chancery Commission,
6, Adelphi-terrace, London,
8th July, 1862.

SIR,—We are directed by the English and Irish Law and Chancery Commissioners to request that you will have the goodness to furnish them with a Return of the existing Court Fees or Charges and other Law Taxes, in the Office of————, specifying the Statutes or Rules by which they are imposed.

We are, &c.,

(Signed),
W. NEILSON HANCOCK,
H. R. VAUGHAN JOHNSON, } *Secretaries.*

II.—ANSWERS from OFFICERS of SUPERIOR COURTS of COMMON LAW in IRELAND to preceding CIRCULAR, viz.:

	Page
1. Clerk of the Crown, Queen's Coroner, and Attorney and Master of the Crown Office,	29
2. Master of the Court of Queen's Bench,	30
3. Master of the Court of Common Pleas,	30
4. Master of the Court of Exchequer,	31
5. Clerk of Writs,	31
6. Law Taxing Officers,	31
7. Registrar of Judgments,	31
8. Clerk of Errors,	31

Queen's Bench (Crown Side).

1. RETURN of JAMES NAGLE, Esq., CLERK of the CROWN of the COURT of QUEEN'S BENCH in IRELAND.

With the exception of the other fees or charges hereinafter specified, the fees existing in this office are those authorized by the 2nd Wm. IV., c. 48, and contained in the schedule annexed to and made part of that Act—a printed copy of which schedule is subjoined.

A SCHEDULE showing the FEES to be taken for the performance of all duties to be discharged in the Crown Office of the Court of King's Bench in Ireland. Annexed to 2nd Wm. IV., c. 48.

	£	s.	d.
For receiving, entering, and filing every Information, Indictment, Affidavit, Articles of the Peace, Writ, with Return, or any other document,	0	3	0
For copy thereof, if not more than three sheets,	0	2	0
„ if more, then for each sheet of seventy-two words,	0	0	8
For entering every Rule of the Court,	0	2	2
For copy thereof, and attesting same when required by the party,	0	4	0
For entering the appearance of every defendant to any Information,	0	2	0
For copy thereof,	0	2	0
For Enrolments of all Pleadings and Proceedings upon Indictments, Informations, Mandamus, &c., for every Roll containing 720 words, if required to be made up,	0	10	0
For every transcript of a Record for Trial by Nisi Prius, for each Roll containing 720 words,	0	10	0
For exemplification of an Enrolment upon Quo Warranto or other Pleading or Proceeding, per Roll of 720 words,	0	12	6
For a search for any Indictment, Information, or other matter, if above three years, for every Term, where no copy is required or taken,	0	3	0
If within that time, for every Term (if copy taken, search-fee not to be charged),	0	0	6
For a search and certificate of no cause having been shown, pursuant to any Order or Rule of the Court, or for any other certificate,	0	3	0

Superior Courts, Common Law, Ireland.

Court Fees and Taxes.

Queen's Bench (Crown Side).

	£	s.	d.
For every Summons to proceed upon a Reference, .	0	2	0
For every Writ of Mandamus or Exigent, . .	0	12	6
For every Writ of Certiorari, Attachment, Assistance to abate Nuisance, Procedendo, or Writ of Execution, ...	0	5	0
For every Writ of Habeas corpus, Venire, or Capias, Subpœna, Duces Tecumro, Distringas ad Respondendum, Venire Facias, or Distringas Juratores, or other Writ, ...	0	4	0
For the Examination of every Person on Interrogatories exhibited for Contempt, ...	0	3	3
For copies of the Deposition taken thereon, for every sheet of seventy-two words, ...	0	0	8
For every Recognizance taken in Court or by the Clerk of the Crown, ...	0	6	8
For entering any Charter when required to be produced or read, ...	0	6	8
For entering every Cause returned on Habeas corpus in the King's Case, ...	0	3	0
For entering the Discharge of any one committed for Contempt or other matter, ...	0	3	6
Poundage on money lodged in the Officer's hands, for each pound, ...	0	0	6
For entering a Traverse to any Presentment of any Grand Jury, or to any Information, . . .	1	1	0
For striking a Special Jury and furnishing each Party with a copy of the Panel of Forty-eight names as struck, and a copy of the Panel of Twenty-four Special Jurors as struck, ...	2	2	0
For attending Trials at Bar, and performing all the services relating thereto, including bringing down and entering the Record, all Readings or Exhibits, and entering the Verdict, in lieu of all Fees heretofore taken from the Plaintiff, per day, . .	3	12	6
For attendances before any of the Judges in Chamber on any business relating to the office, . . .	0	6	8
For attending on References from the Court, . .	0	6	8
For drawing a Report, ...	0	5	0
For signing same, ...	0	2	8

Bill of Costs:

On each and every Bill of Costs taxed by the Clerk of the Crown, not being Costs payable by the Crown—			
Where the sum allowed shall exceed £5, and shall not exceed £20, ...	0	5	0
Where the sum allowed shall exceed £20, and shall not exceed £50, ...	0	10	0
Where the sum allowed shall exceed £50, and not exceeding £100, ...	1	0	0
Where the sum allowed shall exceed £100, .	1	10	0

N.B.—No fee for Taxation of Costs payable by the Crown.

The other Fees or Charges are:—

For entering a Traverse under the "Railways Act, Ireland, 1851," the Twenty-sixth Section of which assimilates the Trial of Traverses thereunder to the proceedings on Traverses to Grand Jury Presentments. On my appointment, I found that it was the practice to charge a Fee of £1 1s., as allowed in the Schedule of 2nd Wm. IV., c. 48, "For entering a Traverse to any Grand Jury Presentment." This fee is still continued, . .	1	1	0
On my appointment, I also found it to be the practice to charge a Fee of 6s. 8d. for attending the Trial of Traverses of the above nature, . .	0	6	8
Or for attending Trials under the 80th section of the 7 and 8 Vic., c. 106, to ascertain if the public work for which a Grand Jury Presentment is sought under said Act is a proper one to be executed, ...	0	6	8
Or for like services under the Dublin Improvement Act, 12 and 13 Vic., c. 97, from their similarity to the services for which a like charge is allowed in the Schedule to 2nd Wm. IV., c. 48. "For attendances before any of the Judges in Chamber on any business relating to the Office," "6s. 8d.,"	0	6	8

The fee chargeable in reference to each "Court-Martial Notification," sent by the Commander-in-Chief from the Horse Guards in London to this Office for the purpose of having the necessary Order for execution of the sentence made out, signed, and filed of Record, under the provisions of the 18th section of the Mutiny Act—

It has hitherto been the invariable practice of the Irish Solicitor to the Treasury to require, on behalf of Her Majesty, four authenticated copies of each such Order, for which services the fees—having varied in the time of my predecessors—I found, on my appointment, established at 17s. 8d., composed of the following items:—

	£	s.	d.
Filing Notification, ...	0	2	6
Filing Chief Justice's Order thereupon,	0	3	0
Entering Order for punishment, .	0	2	2
Four copies for the Crown, at 2s. 6d. each,	0	10	0
	0	17	8

N.B.—All the Fees received in this Office are accounted for to the Treasury quarterly by the Master of the Crown Office, in the manner directed by the 2nd Wm. IV. c. 48.

The only other authority in reference to Fees or Charges is the Rule or Order of the Court of Queen's Bench, in these words:—

"General Rule.—Tuesday, the 7th day of November, 1848. —The Court declares, with reference to proceedings on the several Writs of Error now pending at the suit of William Smith O'Brien and others, and from henceforth in all cases wherein the Attorney-General is a party and in which the Crown may be willing to furnish printed copies of Records and Pleadings, that same, on being certified and attested by the proper Officer of the Court, shall, for all purposes, be considered as if written, and be chargeable accordingly as against the party requiring them or any of them. And it is further declared that a Fee of One Penny per folio be allowed for the comparison thereof in the Crown Office, to be taken credit for and deducted at the end of each quarter's account in like manner as other official disbursements."

(Signed), James Nagle,
Clerk of the Crown, Coroner and Attorney to the Queen, and Master of the Crown Office in Ireland.

The Crown Office, Ireland,
Dublin, July 31, 1862.

Queen's Bench.

2. A Return of the existing Court Fees or Charges and other Law Taxes in the Court of Queen's Bench, specifying the Statutes or Rules by which they are imposed.

The Law Fund Duties payable by suitors are regulated and defined by Schedule D of the Law Procedure Act (Ireland) 1853, and are as follow:—

	£	s.	d.
Affidavits, ...	0	2	0
Attested copy of any Pleading, Judgment, Affidavit, &c., &c., per folio of seventy-two words, . .	0	0	4
Copy of any Rule, ...	0	2	0
Rule or Order of every description, ...	0	2	0
Summons and Plaint, Defences, Demurrers, Consents for Judgment, and other Pleadings, . . .	0	2	0
Writs of Subpœna, Execution, and all other Writs whatsoever, ...	0	2	0
Abstract for Nisi Prius, ...	0	10	0
Report of Master, ...	0	10	0
Requisition to enter Judgment, whether Final or Interlocutory, on Cognovit or otherwise, except a Final Judgment where Interlocutory Judgment has been already entered, ...	0	10	0
Summons to tax Costs, ...	0	2	0
Requisition to tax Costs not exceeding £20, . .	0	2	0
Requisition to tax Costs not exceeding £50, . .	0	5	0
Requisition to tax Costs not exceeding £100, . .	0	10	0
Requisition to tax Costs exceeding £100, . .	1	0	0

General exemption from the foregoing Duties in respect of all Proceedings on behalf of Paupers admitted to sue or defend *in formâ pauperis*.

There are no Fees received by the Master in money which are credited to the Public Exchequer, except certain Fees for Searches for Bills of Sale, pursuant to the Act 17 and 18 Vic. c. 55, sec. 3. These Fees amount on an average to £25 per annum, and are lodged by the Master to the credit of the Paymaster of Civil Services, in the month of January in each year. The Court of Queen's Bench is the only Court in which Bills of Sale are registered.

(Signed), Arthur Bushe, M.Q.B.

Queen's Bench Office, Dublin,
18th July, 1862.

Common Pleas.

3. Return of the existing Court Fees and Charges and other Law Taxes in Court of Common Bench, specifying the Statutes or Rules by which they are imposed.

By Schedule D of the Common Law Procedure Act of 1853 (16 and 17 Vic. c. 113), certain Law Fund duties are imposed on the proceedings in suits at Law.

By Acts of 3 and 4 Vic. c. 105, sec. 16; 11 and 12

Superior Courts, Common Law, Ireland. — Court Fees and Taxes. — Common Pleas.

Vic. c. 120, Schedule; 12 and 13 Vic. c. 104, sec. 17; 13 and 14 Vic. c. 29, sec. 3; certain Fees were granted to the Master as remuneration for new duties so imposed upon him and payable by the suitor.

By Treasury Minute of 16th May, 1856, the Treasury directed that the amount of such Fees should be paid to the Paymaster of Civil Services at the end of each Quarter. The Master protested against this direction as not warranted by Law, but submitted to it.

When the English Masters were salaried, such of them as had been in receipt of income from fees exceeding the salary received compensation for the difference.

(Signed), C. G. Burke, Master.

18th July, 1862.

Exchequer.

4. Return of the existing Court Fees or Charges, and other Law Taxes, in the Court of Exchequer in Ireland, specifying the Statutes or Rules by which they are imposed.

By Schedule D of the Common Law Procedure Act of 1853 (16th and 17th Vic. c. 113), certain Law Fund Duties are imposed on the proceedings in suits in the several Law Courts.

By the Acts 3rd and 4th Vic. c. 105, 11th and 12th Vic. c. 120, 12th and 13th Vic. c. 104, and 13th and 14th Vic. c. 29 and 74, certain additional duties of a new character were imposed on the officers of the several Courts, and simultaneously the means of additional remuneration were provided by the authorization of small specified fees, payable by the parties interested in the execution of each act of such duties.

Up to the year 1856 these fees were received by officers of the Exchequer to their own use, one moiety by the Master and the other by the Principal Assistant; but in that year the Commissioners of the Treasury required the Master to pay over the amount received by him in each quarter to the Paymaster of Civil Services.

The Master remonstrated with the Treasury upon this interference, showing that as the fees were granted to him for his own use by Acts of Parliament, they could not legally be withdrawn or diverted to any other purpose without the authority of Parliament. The Treasury, however, insisted upon compliance with their direction, and the fees received by the Master have therefore been paid over quarterly to the Paymaster, from the 30th of June, 1856, to the present time.

(Signed), R. Hitchcock,
Master of the Exchequer.

Exchequer Office, 19th July, 1862.

Writ and Seal Office.

5. Return from Writ and Seal Office, Ireland.

There are not any fees, charges, or law taxes whatever, received in this Office.

(Signed), William MacDougall.
Clerk of Writs.

Writ and Seal Office, Four Courts, Dublin.
16th July, 1862.

Law Taxing Office, Ireland.

6. Return from Law Taxing Office, Ireland.

Law Taxing Office, Four Courts,
July 19, 1862.

Gentlemen,—In accordance with your request of the 12th instant, I am directed by the Law Taxing Officers to inform you that the only existing charges payable in their Office are:—

1st. A two shilling Law Fund on each summons to tax.

2nd. A Law Fund on the requisition to tax, varying from two shillings to a pound, according to the amount of the Bill submitted for taxation; both said Law Funds being regulated by the 16 and 17 Vic. c. 113, sec. 243—the Common Law Procedure, 1853.

I have the honour to be, Gentlemen, your obedient servant,

(Signed), Charles Blackburne, Clerk.

To W. N. Hancock and H. R. V. Johnson, Esquires, Secretaries, English and Irish Law and Chancery Commission.

Superior Courts, Common Law, Ireland. — Court Fees and Taxes.

Office for Registration of Judgments.

7. A Return of the existing Fees or Charges and other Law Taxes in the Office for the Registration of Judgments, specifying the Statutes or Rules or other Authority by which they are Imposed.

	£	s.	d.
The Fee of 6*d.* on each Certificate issued, payable to the Registrar of Judgments, under 13 & 14 Vic., c. 74, s. 10,	0	0	6
The Fee of 1*s.* for every period of twenty years or fractional portion thereof, over which each search made by them respectively, against any one person shall extend, payable to the two Searching Clerks, under 7 & 8 Vic., c. 90, s. 23,	0	1	0
The Fee of ½*d.* for writing, for every seventy-two words, each figure in any entry or copy being counted a word, payable to the Writing Clerks, under 13 & 14 Vic., c. 78, s. 1,	0	0	1½
A Stamp Duty of £1 upon every Docket or Requisition for a Negative Search, against each person,	1	0	0
And a Duty of 7*s.* for like Docket for a Common Search, against each person, under 7 & 8 Vic., c. 90, s. 20,	0	7	0

The following Stamp Duties are under 13 & 14 Vic., c. 74:—

On every Memorandum for Registration of any Judgment or Rule for Judgment, Decree, Order, or Rule,	0	5	0
On every Memorandum for Re-entry of any Judgment, Decree, Order, or Rule,	0	1	0
Like, for any Lis pendens,	0	2	6
Like, for Re-entry of Lis pendens,	0	1	0
Like—Recognizance, Bond, Judgment, or other obligation to the Crown, or any Quietus thereof,	0	2	6
On every Requisition to search in the Books of the Office, for each person searched against,	0	1	0
On every Memorandum for Registration of Satisfaction or Vacate of any Judgment, Crown Bond or Recognizance, Decree, Rule or Order, or Redocketing any Crown Bond or Recognizance,	0	2	6
On every Requisition to search the Books containing recorded Copies of the Negative searches, for each person searched against,	0	1	0
On every attested Copy of a Search recorded, when such Copy shall not exceed three folios of seventy-two words,	0	1	0
When such Copy shall exceed three folios, for every folio,	0	0	4

(Signed), E. H. Scriven,
Registrar of Judgments.

23rd July, 1862.

Court of Exchequer Chamber.

8. Return of the existing Court Fees or Charges, and other Law Taxes in Court of Exchequer Chamber, and the authority by which they are imposed, viz.:

The existing Court fees, which are imposed by authority of the 1st Geo. IV., c. 68, are—

	s.	d.
For entering every rule or order,	3	0
For preparing, &c., and issuing copies of all rules or orders,	2	6
Filing affidavit,	0	6
For attested copy affidavit, per folio of 72 words,	0	6
For every continuance in each cause, from term to term only,	3	4
For enrolling judgment, per roll of 720 words,	10	0
For preparing and issuing writ of mandamus and seal.	5	0
For certificate of noncompliance with any order of Court, including search,	3	4
For every search where no such certificate required,	2	6
For taxing bill of costs,	10	0

The fees received are accounted for to the Treasury.

There are no fees whatever charged to the parties upon any rules, orders, or other proceeding in registry appeal cases—the Registry Act providing none—although there is considerable labour and trouble connected with them, and I submit that they should be made subject to some office fees.

(Signed), Thos. R. Crawford,
Clerk of the Errors.

November 6, 1862.

Superior Courts, Common Law, Ireland.

Returns of Officers, Salaries, and Emoluments.

Appendix C.—Papers on Salaries and Emoluments of Officers of Superior Courts of Common Law, Ireland.

Superior Courts, Common Law, Ireland.

Returns of Officers, Salaries, and Emoluments.

I.—Circular to Heads of Offices of Superior Courts of Common Law, Ireland, requesting Returns of the various Officers, with Salaries and Emoluments, and sources from which same are paid.

English and Irish Law and Chancery Commission,
6, Adelphi-terrace, 10th July, 1862.

Sir,—We are directed by the English and Irish Law and Chancery Commissioners to request that you will have the goodness to furnish them with a Return of the various Officers in the Office of————, showing the amount of their salaries and emoluments and the sources from which such salaries or emoluments are paid.

We are, &c.
W. Neilson Hancock, } *Secretaries.*
H. R. Vaughan Johnson, }

II.—Answers from Officers of Superior Courts of Common Law, Ireland, to preceding Circular, viz.:

	Page
1. Clerk of the Crown, Attorney to the Queen, and Master of the Crown Office,	32
2. Master of the Court of Queen's Bench,	33
3. Master of the Court of Common Pleas,	33
4. Master of the Exchequer,	33
5. Clerk of Writs, Common Law Courts,	33
6. The Law Taxing Officers,	34
7. Registrar of Judgments,	34

Court of Queen's Bench (Crown Side).

The Crown Office, Ireland,
Dublin, July 31, 1862.

1. Return of James Nagle, Clerk of the Crown, of the Court of Queen's Bench, in Ireland, to Her Majesty's Commissioners for Inquiring into the Courts of Chancery and the Superior Courts of Common Law in England and Ireland, in compliance with the communication of their Secretaries of the 10th instant, of all the Officers of the Crown Office in the Court of Queen's Bench, showing the amount of their Salaries and Emoluments, and the Sources from which such Salaries or Emoluments are paid.

I was appointed Clerk of the Crown of the Court of Queen's Bench in Ireland, in the year 1853, by Her Majesty's Letters Patent (quamdiu se bene gesserit). As such I am necessarily Queen's Coroner and Attorney, and Master of the Crown Office in Ireland; as also sole Taxing Master in all proceedings at or connected with the Crown side of that Court, and I discharge all the duties in person.

By the Act 2nd Wm. IV., c. 48, the salary of the Clerk of the Crown is fixed at £900 per annum, payable quarterly out of the Consolidated Fund. Of this, however, I receive only £800 per annum, having consented, on my appointment, that Mr. Willson, my Chief or Assistant Clerk in the Crown Office, should be paid out of the salary of the Clerk of the Crown mentioned in said Act, an annual sum of £100, in addition to the salary of £100 a year, payable also out of the Consolidated Fund, prescribed by said Act for such Chief Clerk, both sums making £200 a year, and which he has since received from the Treasury. Save the salary of £800 a year before mentioned, I do not receive any other emolument whatever.

Mr. James Willson, the Chief or Assistant Clerk in this Office, as already mentioned, had been also Chief Clerk for a great many years to my predecessors, who, in consideration of his position, responsibility, and efficiency in the discharge of his duties, permitted him to receive the prescribed fee of one penny half penny per office sheet of seventy-two words, as allowable for copying clerks for so much of that work as he might happen to perform in the discharge of the public business when not engaged in his special duties, and I have not interfered with the course so established by my predecessors. Scriveners, or copying clerks, are still called in, and paid by the office sheet, as already mentioned, when and so often as the requirements of the public service demand it, and are at once dismissed on finishing their work.

Court of Queen's Bench (Crown Side).

The only other person permanently engaged in the Crown Office is Mr. Richard Maybury, whom I pay out of my own means a salary of £91 per annum.

After assuming the duties of my office, I found that a great want existed in not having any recognised or trustworthy person to communicate between the Clerk of the Crown, when in Court, and the Crown Office. The Clerk of the Crown requires to be in Court during Term, to take down, in the Crown Book, all the Orders and Rules made at the Crown side, besides which, questions constantly arise, suddenly and unexpectedly, in the progress of cases, on points of practice, which it is his duty to declare; and upon such questions it frequently becomes necessary to have recourse to the Records, &c., in the Office. It is necessary that the Chief Clerk should, during the office hours, remain in the Crown Office to attend to the Practitioners, receive and file their pleadings, affidavits, notices, and other documents.

To supply the want of the third person in this department, in the year 1854 I employed Mr. Maybury, on whose integrity I have the fullest reliance, and whose ability to discharge the duties falling to him, and aid in the business generally, I appreciated so highly, that I raised his salary in the first instance from £65 to £80, and subsequently to £91 per annum, at which last-mentioned rate he has been paid since the 5th October, 1861. I also think it right to remark, that Mr. Maybury, when the general duties permit, assists Mr. Willson in the copying already mentioned, to expedite the public business, but receives no emolument whatever for it.

(Signed), James Nagle,

Clerk of the Crown, Coroner and Attorney to the Queen, and Master of the Crown Office in Ireland.

SUPERIOR COURTS, COMMON LAW, IRELAND.

Returns of Officers, Salaries, and Emoluments.

Court of Queen's Bench.

2. RETURN of all the OFFICERS of the COURT of QUEEN'S BENCH, showing the amount of their Salaries and Emoluments, and the Sources from which such Salaries and Emoluments are paid.

Designations.	Minimum.			Annual Increase to Maximum.	Maximum.		
	£	s.	d.	£	£	s.	d.
The Master,*	1,384	12	3	—	1,384	12	3
Principal Assistant,*	600	0	0	20	800	0	0
Clerk to aid him,*	150	0	0	10	250	0	0
Pleadings Assistant,	400	0	0	20	500	0	0
1st Clerk to aid him,	150	0	0	10	250	0	0
2nd ditto,	100	0	0	10	140	0	0
Record Assistant,	400	0	0	20	500	0	0
1st Clerk to aid him,	200	0	0	10	300	0	0
2nd ditto,	100	0	0	10	150	0	0
Clerk for general purposes,*	100	0	0	10	150	0	0
2nd ditto,	100	0	0	10	150	0	0
Clerk of the Rules,*	600	0	0	20	800	0	0
Assistant,*	350	0	0	20	500	0	0
Clerk,*	150	0	0	10	250	0	0
Junior Clerk,*	80	0	0	10	140	0	0
Crier,	138	9	2	—	138	9	2
	5,003	1	5	—	6,403	1	5

NOTE.—The salaries of the Officers thus marked * are paid at present out of the Consolidated Fund, and others are provided for in the Estimates, but all newly appointed Officers and Clerks, with the exception of the Master, are to be provided for in the Annual Estimates.

In addition to the foregoing are the following, viz.—

The Incidental Expenses of the Court and Offices, amounting to about £1,200 a-year.
The Consolidated Writ Office, which is Common to the three Law Courts, £1,950 a-year.†

The Master has Fees on the Registration and Satisfaction of Judgments, pursuant to the provision of 11 and 12 Vic. c. 120; and also on the Filing of Bills of Sale, pursuant to 17 and 18 Vic. c. 55; also on the Filing of Warrants and Search for the Entries thereof, pursuant to 3 and 4 Vic. c. 105; and on the Filing of Poor Law Decrees, pursuant to 12 and 13 Vic. c. 104; and on the Filing of Pleas of Confession and Consents for Judgment, pursuant to 24 and 25 Vic. c. 104; and also on the Re-registration of Judgments, pursuant to 13 and 14 Vic. c. 29;—which Fees amount on an average of five years to about £210 per annum, and which the Treasury have by letter bearing date 10th August, 1858, undertaken to convert into Law Fund Duties, and grant the Master an equivalent as fixed salary; but this has not as yet been carried out.

Some of the persons in the foregoing Schedule have arrived at the maximum salary, and some have not; some also have compensation granted to them, by the 7 and 8 Vic. c. 107, sec. 2, which will cease on the death of the parties.

The salary of the Master appears in the foregoing Schedule as £1,384 12*s.* 3*d.*, but the actual salary for the Master as per Schedule 7 and 8 Vic. c. 107, is only £1,000; but an additional grant of £384 12*s.* 3*d.*, was made to Arthur Bushe, Esq., by the 5th section of this Act, to make up the amount formerly paid to him as Prothonotary under provisions of 1 and 2 Geo. IV. c. 53.

The salaries of the present Clerk of the Rules and Principal Assistant, did not graduate by £20 a year, but were at once raised from £600 to £800 by the Treasury on the Certificate of the Judges.

(Signed), ARTHUR BUSHE, M.Q.E.

Queen's Bench Office, Dublin,
18th July, 1862.

† The Officers and salaries are here omitted, as they appear in a separate Return.

SUPERIOR COURTS, COMMON LAW, IRELAND.

Returns of Officers, Salaries, and Emoluments.

Court of Common Bench.

3. RETURN of OFFICERS of COURT of COMMON BENCH, showing amount of their Salaries and Emoluments, and the Sources from which such Salaries or Emoluments are paid.

The officers are paid by salaries out of the public moneys as follows:—

	£			£ s. d.
Master,	1,200			1,200 0 0
Principal Assistant,	600	increasing by £20 a-year	to	800 0 0
Clerk to do.,	150	„ 10 „		250 0 0
Record Assistant,	400	„ 20 „		500 0 0
First Clerk,	200	„ 10 „		300 0 0
Second Clerk,	100	„ 10 „		150 0 0
Pleadings Assistant,	400	„ 20 „		500 0 0
First Clerk,	150	„ 10 „		250 0 0
Second Clerk,	100	„ 10 „		140 0 0
Clerk of the Rules,	600	„ 20 „		800 0 0
First Assistant,	350	„ 20 „		500 0 0
Clerk,	150	„ 10 „		250 0 0
First Clerk for general purposes,	100	„ 10 „		150 0 0
Second do.,	100	„ 10 „		150 0 0
Two Writing Clerks at £50 a-year each,				100 0 0
Crier,				111 4 0
Incidental Expenses about £1,200 a-year,				1,200 0 0
				7,351 4 0

(Signed), C. G. BURKE, Master.

18th July, 1862.

Court of Exchequer.

4. RETURN of all the OFFICERS of the COURT of EXCHEQUER, showing the amount of their Salaries and Emoluments, and the sources from which such Salaries or Emoluments are paid.

The officers receive salaries paid out of the public moneys as follows:—

	£
The Master, as settled by Treasury Minute of April, 1856,	1,200
The Principal Assistant, maximum salary settled by Treasury Warrant of September, 1854,	800
His Clerk, do.	250
The Record Assistant, do.	500
His First Clerk, do.	300
His Second Clerk, do.	150
The Pleadings Assistant, do.	500
His First Clerk, do.	250
His Second Clerk, do.	140
The Clerk of the Rules, do.	800
His Assistant, do.	500
His Clerk, do.	250
The Revenue Assistant, do.	300
First Clerk for General Purposes, do.	150
Second do. do.	150
The Crier,	120
	£6,360

Additional Salaries granted by Treasury Minutes to the present holders of the following Offices as compensation for the performance of the Revenue Business transferred to them from the Equity side of the Court, viz.:

	£100	£
The Master,		
The Clerk of the Rules,	100	
His Assistant,	50	
His Clerk,	50	
		300
Incidental Expenses, about		1,300
		£7,960

(Signed), R. HITCHCOCK,
Master of the Exchequer.

Exchequer Office, 19th July, 1862.

Writ and Seal Office.

5. RETURN from the WRIT and SEAL OFFICE, Four Courts, Dublin.

Officers of Writ and Seal Office for three Law Courts as Consolidated in 1850.	Salaries.	Sources of Payment.
	£	
Clerk of Writs,	800	Consolidated Fund.
First Assistant,	500	On Estimates.
Second do.,	400	
Third do.,	250	
Total,	1,950	

None of the Officers have any other emoluments.

(Signed), WILLIAM MACDOUGALL,
Clerk of Writs.

16th July, 1862.

6. Return from Law Taxing Office, Four Courts.

Gentlemen,—In accordance with your request of the 12th instant, I am directed by the Law Taxing Officers to inform you that the duties of the Office are performed by three persons, viz. :—

One Principal Officer.
One Assistant Officer.
One Clerk.

And that their respective yearly salaries are as follows :—

Principal Officer,	£1,000	Consolidated Fund.
Assistant Officer,	600	Consolidated Fund.
Clerk,	200	To be voted.

I have the honour to be, Gentlemen, your obedient servant,

Charles Blackburne, Clerk.

July 19, 1862.

To W. N. Hancock and H. R. V. Johnson, Esquires, Secretaries, English and Irish Law and Chancery Commission.

Superior Courts, Common Law, Ireland.
Returns of Officers, Salaries, and Emoluments.
Law Taxing Office, Ireland.

Office for Registration of Judgments.

7. A Return of all the Officers of the Office for the Registration of Judgments, showing the amount of their Salaries and the Emoluments and the Sources from which such Salaries or Emoluments are Paid, prepared in accordance with the request of Her Majesty's Commissioners for Inquiring into the Courts of Chancery and the Superior Courts of Law in England and Ireland.

Office for Registration of Judgments.

Officer.	Salary.	Source from which such Salary paid.	Emoluments.	Source from which such Emoluments paid.	Observations.
	£		£ s. d.		
Registrar, . . .	800	Consolidated Fund, under 7 & 8 Vic., c. 90, s. 25.	205 5 1	13 & 14 Vic., c. 74, s. 10, giving the fee of 6*d.* payable by parties requiring a certificate under said Act.	
	Present Salary.				
Chief Clerk, . .	350	Parliamentary Votes as organized by Treasury Minute, commencing at £250, increasing by £15 to £350.	68 8 4	Allowance from the Registrar being one-third portion of above fees.	The Registrar desires to remark that, from the very important duties attached to the office of the Chief Clerk, the salary is too small in amount. And, independently of this, Mr. Ruckley, the present Chief Clerk, has been nearly forty-five years employed in the Courts, and from his uniform correct conduct and faithful discharge of his duties, he is entitled to a higher rate of remuneration for his services.
Second Clerk, . .	240	Like, from £150; ditto, by £10 to £250.	None.		
Third Clerk, . .	150	Like, from £100; ditto, by £10 to £150.	None.		
Fourth Clerk, . .	150	Like, from £100; ditto, by £10 to £150.	None.		
Fifth Clerk, . .	150	Like, from £100; ditto, by £10 to £150.	None.		
Sixth Clerk, . .	150	Like, from £100; ditto, by £10 to £150.	None.		
Keeper of Office Books,	45	Like, from £40; ditto, by £5 to £60.	None.		
Writing Clerk, . .	78	Treasury Minute dated 4th January, 1861, fixing a progressive scale of salary similar to the Writing Clerks of the Court of Chancery, increasing from 10*s.* weekly, to the maximum of £2 2*s.* weekly.	79 0 0	Pro rata payment under 13 & 14 Vic., c. 74, s. 1, charged in the incidental expenses of the office.	
Ditto, . .	78	Like, like.	83 10 0	Like.	
Searching Clerk, .	100	7 & 8 Vic., c. 90, s. 23—Parliamentary Votes.	237 0 0	7 & 8 Vic., c. 90, s. 23, charged in incidental expenses of the office.	
Ditto, . .	100	Ditto, ditto.	242 0 0	Ditto.	

(Signed), E. H. Scriven,
Registrar of Judgments.

23rd July, 1862.

APPENDIX D.—SUMMARY showing the SALARIES* and FEES of the JUDGES and OFFICERS of the SUPERIOR COURTS of COMMON LAW in IRELAND, and the Funds from which such Salaries and Fees are paid.

COURT OF QUEEN'S BENCH (IRELAND).

Officers.	Salaries and Fees.	Out of what Fund paid.
Judges and Officers.	£ s. d.	
Lord Chief Justice	5,074 9 4	Consolidated Fund.
One Puisne Judge at 3,725*l.* 19*s.* 4*d.*	11,103 4 0	
Two Puisne Judges at 3,688*l.* 12*s.* 4*d.* each		
Crier	138 9 2	Annual Votes of Parliament. The Law Fund Duties in Ireland are carried to credit of Consolidated Fund.
The Tipstaffs and Court Keepers.	Not returned, being paid out of Incidental Expenses	
Master's Office (Crown Side).		
Clerk of Crown and Master of Crown Office.	709 0 0	900*l.* a year from Consolidated Fund, but paying 100*l.* First Clerk and 91*l.* Second Clerk. The Fees in Office are accounted for to the Treasury.
Chief Clerk	200 0 0 and Fees for Scrivenery.	100*l.* from Consolidated Fund. 100*l.* from Master of Crown Office, as above. Fees for Scrivenery deducted out of Office Fees accounted for to Treasury.
Clerk	91 0 0	From Master of Crown Office, as above.
Officers (Civil Side).		
The Master	1,210 0 0	1,000*l.* from Consolidated Fund. 210*l.* from fees for officers' own benefit.

Fourteen other Officers, Civil Side.	Minimum.	Annual Increase.	Maximum.	1863-4.	Out of what Fund paid.
	£	£	£	£	
Principal Assistant	600	20	800	800	Consolidated Fund, but annual Votes of Parliament after present holders of office.
Clerk to aid Principal Assistant	150	10	250	250	
Pleadings Assistant	400	20	500	480	Annual Votes of Parliament, Law Fund Duties in Ireland being carried to Consolidated Fund.
1st Clerk to aid him	150	10	250	190	
2nd ditto	100	10	140	140	
Record Assistant	400	20	500	500	
1st Clerk to aid him	200	10	300	270	
2nd Clerk to aid him	100	10	150	150	
Clerk for General Purposes.	100	10	150	150	Consolidated Fund, but annual Votes of Parliament after present holder of office.
2nd ditto	100	10	150	132	Annual Votes of Parliament.
Clerk of Rules	600	20	800	800	Consolidated Fund, but annual Votes of Parliament after present holders.
Assistant	350	20	500	500	
Clerk	150	10	250	250	
Junior Clerk	80	10	140	140	
Registrar of Lord Chief Justice's Office.					
Registrar in town to Lord Chief Justice.	275*l.* 4*s.* 8*d.*				Annual Votes of Parliament.

COURT OF COMMON PLEAS (IRELAND.)

Officers.	Salaries and Fees.	Out of what Funds paid.
Judges and Officers.	£ s. d.	
Lord Chief Justice	4,612 18 8	Consolidated Fund.
Three Puisne Judges at 3,688*l.* 12*s.* 4*d.* each.	11,065 17 0	
Crier	110 15 6	Annual Votes of Parliament, the Law Fund Duties being carried to credit of Consolidated Fund.
The Tipstaffs and Court Keepers.	Not returned, being paid out of Incidental Expenses	
Officers.		
Master	1,200 0 0	1,000*l.* from Consolidated Fund; 200*l.* under Treasury Minute, April 1856, from Fees accounted for.

Fifteen other Officers.	Minimum.	Annual Increase.	Maximum.	1863-4.	Out of what Funds paid.
	£	£	£	£	
Principal Assistant	600	20	800	800	Consolidated Fund, but Annual Votes after present holders of office.
Clerk to ditto	150	10	250	250	
Pleadings Assistant	400	20	500	500	
1st Clerk	150	10	250	250	
2nd ditto	100	10	140	140	

Court of Common Pleas (Ireland)—*continued.*

Fifteen other Officers.	Minimum.	Annual Increase.	Maximum.	1863-4.	Out of what Funds paid.
	£	£	£	£	
Record Assistant	400	20	500	480	Annual Vote of Parliament.
1st Clerk	200	10	300	240	
2nd ditto	100	10	150	150	
Clerk of Rules	600	20	800	800	Consolidated Fund, but Annual Votes after present holder of office.
1st Assistant	350	20	500	410	Annual Vote of Parliament.
Clerk	150	10	250	180	
1st Clerk for general purposes.	100	10	150	150	
2nd ditto	100	10	150	150	
Two Writing Clerks at 50*l.* a year.	—	—	—	100	

Registrar of Lord Chief Justice.	£ s. d.	
Registrar in town of Lord Chief Justice.	275 4 8	Annual Votes of Parliament.

COURT OF EXCHEQUER (IRELAND).

Judges and Officers.	£ s. d.	
Lord Chief Baron	4,612 18 8	Consolidated Fund.
Three Puisne Barons at 3,688*l.* 12*s.* 4*d.*	11,065 17 0	
Crier	120 0 0	Annual Vote of Parliament, Law Fund Duties in Ireland being carried to Consolidated Fund.
The Tipstaff and Court Keepers.	Not returned, being paid out of Incidental Expenses	
Officers.		1,000*l.* from Consolidated Fund.
Master	1,200 0 0	200*l.* under Treasury Minute, April 1856, from Fees accounted for.

Thirteen other Officers.	Minimum.	Annual Increasement.	Maximum.	1863-4.	Out of what Fund paid.
	£	£	£	£	
Principal Assistant	600	20	800	700	Annual Vote of Parliament, Law Fund Duties in Ireland being carried to Consolidated Fund.
Clerk to aid Principal Assistant.	150	10	250	220	
Pleadings Assistant	400	20	500	500	
1st Clerk to aid him	150	10	250	200	
2nd ditto	100	10	140	140	
Record Assistant	400	20	500	500	Consolidated Fund, but Annual Votes after present holders.
1st Clerk	200	10	300	300	
2nd ditto	100	10	150	150	
Clerk of Rules	—	—	800*	800	
Assistant	—	—	500*	500	
Clerk	—	—	250	250	
Clerk for general purposes.	100	10	150	150	Annual Vote of Parliament as above.
Ditto	100	10	150	150	
Revenue Assistant	200	10	300	250	

Registrar of Lord Chief Baron's Office.	£ s. d.	
Registrar in town to Lord Chief Baron.	275 4 8	Annual Vote of Parliament, *vide* 1 & 2 Geo. 4. c. 54.

OFFICERS COMMON TO SUPERIOR COURTS OF COMMON LAW IN IRELAND.

Officers.	Salaries and Fees.	Out of what Fund paid.
Writ and Seal Office.	£ s. d.	
Clerk of Writs	800 0 0	Consolidated Fund, but Annual Votes after present holder.
1st Assistant	500 0 0	Annual Vote of Parliament.
2nd Assistant	400 0 0	
3rd Assistant	250 0 0	
Taxing Office.		
Principal Officer	1,000 0 0	Consolidated Fund, but Annual Vote after present holders.
Assistant Officer	600 0 0	
Clerk	200 0 0	Annual Vote of Parliament.
Exchequer Chamber.		
Clerk of Errors	266 18 8	Annual Votes of Parliament.
1st Assistant	125 0 0	From Treasury, Fees being accounted for.
2nd Assistant	80 0 0	
Consolidated Nisi Prius Court.		
Registrar, or Clerk of Nisi Prius.	300 0 0	Annual Vote of Parliament.
Allowance for Clerks	100 0 0	Ditto.
Crier	100 0 0	Incidental Expenses of Queen's Bench.
Court Keeper	50 0 0	Incidental Expenses of three Common Law Courts.

* The compensations which a few of the officers have for abolished offices or changes of duties are not included under salaries and emoluments. The salaries on the Annual Votes of Parliament are taken from the estimates for 1863-64.

SUPERIOR COURTS OF COMMON LAW, IRELAND.

Summary of Officers' Salaries and Fees.

OFFICERS common to Three SUPERIOR COURTS of COMMON LAW and COURT of CHANCERY in IRELAND.

Office for registering Judgments, Decrees, &c.

SUPERIOR COURTS OF COMMON LAW, IRELAND.

Officer.	Salary. 1863–64.	Source from which such Salary paid.	Emoluments.	Source from which such Emoluments paid.
	£		£ s. d.	
Registrar	800 0	Consolidated Fund, under 7 & 8 Vict. c. 90. s. 25.	136 16 9	305*l.* 5*s.* 1*d.* by 13 & 14 Vict. c. 74. s. 10., giving the fee of 6*d.* payable by parties requiring a certificate under said Act, but one-third allowed by Registrar to Chief Clerk.
Chief Clerk	350 0	Parliamentary Votes as organized by Treasury Minute, commencing at 250*l.*, increasing by 15*l.* to 350*l.*	68 8 4	Allowance from the Registrar, as above.
Second Clerk	250 0	Like, from 150*l.*; ditto, by 10*l.* to 250*l.*	None.	
Third Clerk	150 0	Like, from 100*l.*; ditto, by 10*l.* to 150*l.*	None.	
Fourth Clerk	150 0	Like, from 100*l.*; ditto, by 10*l.* to 150*l.*	None.	
Fifth Clerk	150 0	Like, from 100*l.*; ditto, by 10*l.* to 150*l.*	None.	
Sixth Clerk	150 0	Like, from 100*l.*; ditto, by 10*l.* to 150*l.*	None.	
Keeper of Office Books	50 0	Like, from 40*l.*; ditto, by 5*l.* to 60*l.*	None.	
Writing Clerk	173 10	Treasury Minute, dated 4th January, 1861, fixing a progressive scale of salary similar to the Writing Clerks of the Court of Chancery, increasing from 10*s.* weekly, to the maximum of 2*l.* 2*s.* weekly	79 0 0	Pro rata payment under 13 & 14 Vict. c. 74. s. 1., charged in the incidental expenses of the office.
Ditto		Like, like	83 10 0	Like.
Searching Clerk	100 0	7 & 8 Vict. c. 90. s. 23—Parliamentary Votes.	237 0 0	7 & 8 Vict. c. 90. s. 23., charged in incidental expenses of the office.
Ditto	100 0	Ditto, ditto	242 0 0	Ditto.

SUPERIOR COURTS OF COMMON LAW, ENGLAND.

APPENDIX E.—PAPERS ON COURT FEES AND LAW TAXES IN SUPERIOR COURTS OF COMMON LAW, ENGLAND.

Court Fees and Taxes.

I.—CIRCULAR to OFFICERS of SUPERIOR COURTS of COMMON LAW in ENGLAND, requesting RETURNS of existing COURT FEES and other LAW TAXES, specifying the RULES by which they are imposed.

English and Irish Law and Chancery Commission,
6, Adelphi Terrace, 8th July 1862.

SIR,

WE are directed by the English and Irish Law and Chancery Commissioners to request that you will have the goodness to furnish them with a return of the existing Court Fees or Charges and other Law Taxes in the office of specifying the Statutes or Rules by which they are imposed.

We are, &c.
(Signed) W. NEILSON HANCOCK,
H. R. VAUGHAN JOHNSON,
Secretaries.

II.—RETURNS from OFFICERS of the SUPERIOR COURTS of COMMON LAW in ENGLAND to preceding CIRCULAR:—viz.

	Page
1. Master on the Crown Side of the Court of Queen's Bench	36
2. Masters on the Plea Side of the Court of Queen's Bench	37
3. Associate in the Court of Queen's Bench	37
4. Masters of the Court of Common Pleas	37
5. Registrar of Certificates of Acknowledgments of Deeds by Married Women	38
6. Masters of the Court of Exchequer	38
7. Queen's Remembrancer	39
8. Associate in the Court of Exchequer	40

COURT OF QUEEN'S BENCH IN ENGLAND (CROWN SIDE).

1. RETURN from the MASTER of the CROWN SIDE of the COURT of QUEEN'S BENCH.

Crown Office, Temple,
February 28, 1862.

SIR,

IN reply to your note of the 14th instant, I beg to enclose a list of the fees received on the Crown side of the Court of Queen's Bench, and to inform you that there are no stamps used upon any document in this office.

I am, &c.
(Signed) THOMAS NORTON.

H. R. Vaughan Johnson, Esq.

TABLE OF FEES.

Established and ordained by the Lord Chief Justice and Judges of Her Majesty's Court of Queen's Bench to be *taken* hereafter by the *Queen's Coroner and Attorney*, and Master on the Crown side of the said Court, pursuant to the Statute 6 Vict. cap. 20.

FEES AND TAXES.

COURT OF QUEEN'S BENCH IN ENGLAND (CROWN SIDE).

	£ s. d.
Appearance fee on any information, quo warranto, each defendant	0 2 0
Pleading fee on the like, each defendant	0 5 0
Retraxit or confession	0 5 0
Judgment, first defendant	0 7 0
,, each other	0 3 6
Copy of any proceeding when required, not more than five sheets	0 2 6
If more, per sheet	0 0 6
Writ fee, for every attachment, venire, capias, or distringas ad respondendum	0 5 0
Subpœna to testify	0 2 6
Procedendo	0 5 0
Habeas corpus	0 5 0
Attachment of contempt	0 5 0
Venire facias juratores	0 5 0
Distringas juratores	0 5 0
Subpœna to answer	0 5 0
Certiorari	0 5 0
Exigent; capias utlagatum; cum proc.; capias and distringas ad satisfaciendum; elegit; fi. fa.; levari; contumace capiendo, and other Writs after judgment	0 5 0

Fees and Taxes.

Court of Queen's Bench in England (Crown Side).

	£	s.	d.
Mandamus and prohibition	0	5	0
Mittimus	0	5	0
Filing every indictment, information, affidavit, or other proceeding	0	1	0
Filing every recognizance	0	3	0
Certificate of indictment, &c. found or information filed, or other proceeding	0	5	0
Attendance on subpœna for expenses	1	1	0
„ at assizes, expenses only		—	
„ before House of Lords and Commons, and their committees, for expenses	1	1	0
Search (each term)	0	1	0
Signing every information granted by the Court	0	6	8
Special jury (nominating)	1	1	0
Administering oaths in court	0	2	0
Certificate of transportation, order	0	2	6
Filing the notification	0	2	6
Taxing every bill of costs, less than three folios	0	1	0
If more, per sheet	0	0	4
On every reference, and for the report	1	1	0
For settling every bond of security	0	10	6
For every examination and acknowledgment on interrogatories	1	1	0
Enrolling interrogatories and answers, per sheet	0	0	4
Affidavits and rules, search for (per term)	0	0	4
Delivering out under judge's order for production at assizes, &c.	1	1	0
Putting case in the Crown paper for argument	0	1	0
Rules, for every rule to plead, reply, &c., or return or writ	0	1	0
Every other rule	0	2	0
If exceeding 72 words, for each 18 words	0	0	3

Copies of rules, half the charge for original.

Court of Queen's Bench in England (Plea Side).

2. Return from the Masters on the Plea Side of the Court of Queen's Bench at Westminster of the Fees taken by them, and the Statutes or Rules by which they are imposed.

Queen's Bench Master's Office, Temple,
24th July 1862.

Gentlemen,

In compliance with the request made in your letter of the 8th July 1862, I beg to forward you the enclosed Return.

I have, &c.
(Signed) A. D. Croft.
Master, Q. B.

To the Secretaries to the English and Irish Courts of Law and Chancery Commission.

Offices of the Masters.

The printed Table or list hereto annexed shows the fees taken by the Masters, and the authority under which they are levied; in addition to which there are the fees taken under the Bills of Sale Act, 17 & 18 Vict. c. 36., *i.e.*

1*s.* filing each Bill of Sale.
1*s.* each search.

Table of Fees.

[Here followed a Table of Fees in the words and figures set out in the table of fees annexed to the Return from the Masters of the Court of Exchequer, under the head of "Offices of the Masters of the Three Superior Courts," which will be found at p. 38 *infrà*.]

Office of the Associate.

3. Return of the existing Fees in the Office of the Associate in the Court of Queen's Bench, specifying the Statute by which they are imposed.

[Here followed a table of fees in the words and figures set out in the table of fees annexed to the Return from the Master of the Court of Exchequer, under the head of "Offices of the Associates to the Three Chief Judges," which will be found at pp. 38, 39 *infrà*.]

(Signed) H. G. Campbell.

Fees and Taxes.

Court of Common Pleas in England.

Masters, &c.

4. Return of the existing Court Fees or Charges, and other Law Taxes, in the Court of Common Pleas, specifying the Statutes or Rules by which they are imposed.

Common Pleas Office, Chancery Lane, W.C.,
28th July 1862.

Gentlemen,

I have the honour to transmit herewith the Return required by the English and Irish Law and Chancery Commissioners, in compliance with your letter to me of the 8th day of July instant,

And beg to remain, gentlemen,
Your obedient servant,
(Signed) Alex. A. Park,
Senior Master of the Common Pleas.

W. N. Hancock and
H. R. Vaughan Johnson, Esquires, &c. &c.

The tables of the only existing Court fees, &c., received in the offices of the Masters and Associate respectively, and in the chambers of the Chief and Puisne Judges of the Court, as settled, allowed, and sanctioned under the provisions of the Statute 15 & 16 Vict. c. 73, are contained in the supplement to the "London Gazette" of Tuesday, the 23d of November 1852, which is hereto annexed, marked No. 1.

[Here followed a table of fees in the words and figures set out in the table of fees annexed to the Return from the Masters of the Court of Exchequer, which will be found at pp. 38, 39 *infrà*.]

The existing fees and charges received in the office of the Registrar of Certificates of the Acknowledgment of Deeds by Married Women were settled and authorized by a rule of the Court of Common Pleas, made in Hilary Term 1834, and are as follows:—

[Here followed a list of the fees set out in the Return of the Registrar of Certificates of Acknowledgments of Deeds by Married Women, which will be found at p. 38 *infrà*.]

The existing fees and charges received by the Tipstaff were prepared pursuant to the Statute 1 Vict. c. 30. s. 6, and allowed and sanctioned by the Judges of the Superior Courts of Common Law at Westminster, on 20th Dec. 1837, and are as follows:—

	£	s.	d.
Commitment on habeas corpus at chambers	0	10	6
Renders in discharge of bail	0	10	6
„ in every action after the first	0	6	0
Commitments in execution by the Court	0	10	6
Habeas corpus to the Courts of Queen's Bench, Common Pleas, or Exchequer	0	10	6
Habeas corpus to take witnesses into Court to give evidence, or for trial, per diem	0	10	6
Habeas corpus to chambers to render in other actions	0	10	6
Bankrupts taken before the Commissioners	0	10	6
Insolvent debtors to be heard upon their petitions	0	3	0
Journies with bankrupts or insolvents, besides expenses of coach-hire or conveyance,—to principal, per diem	1	1	0
And to assistant (if taken)	0	10	6
Prisoners taken into Court by rule of Court, under the Lords' Act	0	10	6
Trial at bar, per day	0	10	6

The existing fees and charges received in the office of the Registrar of Judgments, &c., as authorized by various Statutes, are as follows:—

By 1 & 2 Vict. c. 110.	£	s.	d.
Sect. 19. For registering every judgment of the Superior Courts, decree or order in equity, rule of a Court of Common Law, or order in bankruptcy or lunacy	0	5	0
„ „ For every search for same	0	1	0
By 2 Vict. c. 11.			
Sect. 4. For re-registering every such judgment, &c.	0	1	0
Sect. 7. For registering every *lis pendens*	0	2	6
„ „ For re-registering ditto	0	1	0
Sect. 8. For registering every judgment, &c. &c., against debtors and accountants to the Crown	0	2	6
„ „ For every search for same	0	1	0
By 14 & 15 Vict. c. 99.			
Sect. 14. For every copy or extract from any book, per folio	0	0	4
By 18 Vict. c. 15.			
Sect. 12. For registering every annuity or rent-charge	0	2	6
„ „ For every search for same	0	1	0

Masters, &c.

By 22 & 23 Vict. cap. 35.

	£	s.	d.
Sect. 22. For re-registering every judgment, &c., against debtors and accountants to the Crown - - - -	0	1	0
By 23 & 24 Vict. c. 38.			
Sect. 2. For registering every writ of execution, &c., on any judgment, statute, or recognizance - - - -	0	5	0
„ „ For every search of this register (to include a search in every other register in the office) - - - -	0	1	0
By 23 & 24 Vict. c. 115.			
Sect. 2. For every acknowledgment of a satisfaction of a judgment, &c., registered under the before-mentioned Acts -	0	2	6
„ „ For every copy of the entry of satisfaction or discharge - - -	0	1	0

(Signed) ALEX. A. PARK,
Senior Master of the Common Pleas.

Registrar of Certificates of Acknowledgments of Deeds by Married Women.

5. RETURN of the FEES received in the OFFICE of the REGISTRAR of CERTIFICATES of ACKNOWLEDGMENTS of DEEDS by MARRIED WOMEN.

Fees.	s.	d.	Statutes and Rules by which imposed.
For examining, filing, and indexing the certificate and affidavit - -	5	0	Rules of Court of Hilary and Trinity Terms 1834, made under Statute of 3 & 4 W. 4. cap. 74. sec. 89.
For every office copy of the certificate - -	2	6	Ditto.
For every official copy of a list of Commissioners, not exceeding 100 names	5	0	Ditto.
For every further complete number of 50 names an additional - -	2	6	Ditto.
For preparing every Special Commission - -	10	0	Ditto.
For every search - -	1	0	Ditto.
Copying other official documents (seldom required), per folio - - -	0	4	14 & 15 Vict. cap. 99. sec. 14.

The Registrar is also, by virtue of the Statute 5 & 6 W. 4. cap. 82. secs. 5 and 6, liable to be called upon to perform the duties of various officers whose offices were abolished by that Statute, and for the performance of such duties is required to take such fees as would have been taken by such former officers, and account to the Treasury for the same.

(Signed) M. SHORT, Registrar.

25th July 1862.

COURT OF EXCHEQUER IN ENGLAND.

6. RETURN from the MASTERS of the COURT of EXCHEQUER.

Exchequer Office, Lincoln's Inn,
14th July 1862.

GENTLEMEN,

We enclose you the table of fees, which includes the fees now received in the different departments of this office, and which specifies the statute and rule by which they are imposed.

We have, &c.
(Signed) W. H. WALTON.
W. H. POLLOCK.
JOHN C. TEMPLER.

Messrs. Hancock and Johnson,
Secretaries, &c.

TABLE OF FEES.

In pursuance of an Act, passed in the session of Parliament held in the 15th and 16th years of the reign of Her Majesty, chapter seventy-three, entitled "An Act to make Provision for a permanent Establishment of Officers to perform the duties at Nisi Prius, in the Superior Courts of Common Law, and for the payment of such Officers, and of the Judges Clerks by salaries, and to abolish certain Offices in those Courts;" We, the undersigned, being Two of the Commissioners of Her Majesty's Treasury, have caused the under-mentioned Tables of Fees to be prepared, specifying the Fees proper to be demanded and taken in the Offices under-mentioned, and at the Judge's Chambers, in the Superior Courts of Common Law; and that all other Fees in such Offices and Chambers should be abolished, namely:—

Offices of the Masters of the Three Superior Courts.

	£	s.	d.
Every writ (except writ of trial or subpœna) -	0	5	0
Every concurrent, alias, pluries or renewed writ -	0	2	6
Every writ of trial - - - -	0	2	0
Every writ of subpœna before a judge or master	0	2	0
——— before the sheriff -	0	1	0
Every appearance entered - - -	0	2	0
——— each defendant after the first -	0	1	0
Filing every affidavit, writ, or other proceeding -	0	2	0
Amending every writ, or other proceeding -	0	2	0
Every ordinary rule - - - -	0	1	0
Every special rule, not exceeding six folios -	0	4	0
——— exceeding six folios, per folio	0	0	6
Note.—Plans, sections, &c. accompanying rules to be paid for by the party taking the rule, according to the actual cost.			
Every judgment by default - - -	0	5	0
Every final judgment, otherwise than judgment by default - - - - -	0	10	0
Taxing every bill of costs, not exceeding three folios - - - - - -	0	2	0
——— exceeding three folios when taxed as between party and party, per folio - - - - -	0	0	6
——— exceeding three folios, when taxed as between attorney and client, or where the attorney taxes his own bill, per folio - - - - -	0	1	0
Every reference, inquiry, examination, or other special matter, referred to the master, for every meeting, not exceeding one hour - -	0	10	0
——— for every additional hour, or less - - - - - -	0	10	0
Upon payment of money into Court, viz.:—			
For every sum under 50*l.* - - -	0	5	0
50*l.* and under 100*l.* - - -	0	10	0
100*l.* and above that sum - - -	1	0	0
Every certificate - - - - -	0	1	0
Office copies of præcipe, or other proceedings, per folio - - - - -	0	0	6
Every search, if not more than two terms -	0	0	6
——— exceeding two, and not more than four terms - - - - -	0	1	0
——— exceeding four terms, or a general search - - - - - -	0	2	6
Every affidavit, affirmation, &c. taken before the master - - - - -	0	1	0
Filing every recognizance or security in ejectment or error - - - - -	0	2	6
Every allowance and justification of bail -	0	3	0
For taking special bail as a commissioner -	0	2	0
Filing affidavit and inrolling articles previous to the admission of an attorney - - -	0	5	0
Every re-admission of an attorney - -	0	5	0

All other fees than those before mentioned are hereby abolished, and are not to be taken by any person in the Masters' offices, under any pretence whatever.

Offices of the Associates to the Three Chief Judges.

	£	s.	d.
Every record of Nisi Prius, delivered to the Associate, to be entered for trial - - -	1	5	0
Every trial of a cause from plaintiff - -	1	0	0
——— from defendant - -	0	15	0
——— ——— If the trial continues more than one day, then for every other day, from plaintiff and defendant, each - - -	0	10	0
Returning the postea - - - -	0	5	0
Every cause made remanet, at the instance of the parties, to be paid by plaintiff or defendant, as the case may be - - -	0	10	0
Every cause withdrawn, to be paid by the party at whose instance it is withdrawn - -	0	5	0
Re-entering every record of Nisi Prius, made remanet, &c. - - - - -	0	2	0
Every reference, from plaintiff and defendant, each - - - - - -	0	5	0

	£	s.	d.
Every amendment of any proceeding whatever -	0	2	0
Every order or certificate - - -	0	5	0
Every special case, or special verdict, in addition to the charge for ingrossing and copying, at the rate of 4*d.* per folio, from plaintiff and defendant, each - - - - - -	0	10	0
Attending any court or otherwise, with any record, or other proceeding, under writ of subpœna, or special order of court - per day	1	0	0

All other fees than those before mentioned are hereby abolished, and are not to be taken by any person in the Associates' offices, under any pretence whatever.

Chambers of the Chief and Puisne Judges.

Every summons to try an issue before the sheriff	0	1	0
Every other summons whatever, whether in term or vacation - - - - - -	0	2	0
Every order to try an issue before the sheriff -	0	1	0
Every other order whatever of an ordinary nature	0	2	0
Every order of a special nature, such as reference to arbitration, or attendance of witnesses at arbitration; service of process on persons residing abroad; reference to the master to fix sum for final judgment; revival of judgment, and the like - - - - - -	0	5	0
Every fiat, warrant, certificate, caveat, special case, special verdict, or the like - - -	0	5	0
Every affidavit, affirmation, &c., whether in term or vacation, each deponent - - -	0	1	0
Every affidavit kept for the purpose of being conveyed to the proper office to be filed - -	0	1	0
Every proceeding filed - - - -	0	2	0
Every admission of an attorney - - -	1	0	0
Every approbation of commissioners for taking affidavits or special bail - - -	0	2	6
Every commission for taking affidavits or special bail, exclusive of stamp duty, ingrossing, and sealing - - - - - -	1	0	0
Every other commission for any purpose whatever, exclusive of stamp duty, ingrossing, and sealing - - - - - -	0	10	0
Every acknowledgment by married women -	0	10	0
Office copies of judge's notes, or of any other proceeding whatever, per folio - -	0	0	6
Every recognizance or bond of any description whatever - - - - - -	0	10	0
Every allowance of writ of error - - -	0	10	0
Bail on cepi corpus, habeas corpus, error, or ejectment - - - - - -	0	2	0
Delivering bail piece off the file, or justification of bail - - - - - -	0	2	0
Every committal - - - -	0	5	0
Every exhibit signed by judge - - -	0	1	0
Producing judge's notes - - -	0	5	0
Bill of exceptions signed by judge - -	0	5	0
Order in legacy duty cases - - -	0	5	0
Crown revenue cases, from defendant - -	0	5	0
Attendance in any court, or otherwise, under subpœna or special order of court, to give evidence, or produce documents, - per day	1	0	0
Attendance as a commissioner to take affidavit, &c., or at a judge's house, or elsewhere, at request of parties - - - - -	0	10	0
Appointment of commissioners under glebe exchange - - - - - -	1	0	0
Allowance of byelaws or table of fees - -	1	0	0
Report on private bill - - - -	5	0	0
Attendance by counsel, each side - -	0	5	0

Note.—All plans, sections, &c. accompanying any order or office copy to be paid for by the party, according to the actual cost.

In cases where the party has been allowed to sue in formâ pauperis, the fees are not to be demanded or taken, nor in cases where such fees would be payable by any Revenue or other Government department.

All other fees than those before mentioned are hereby abolished, and are not to be taken by any person at the Judge's chambers under any pretence whatever.

Given under our hands at the Treasury Chambers, Whitehall, this twentieth day of November 1852.

(Signed) *Chandos,* } Two of the Commissioners
Thos. Bateson, } of Her Majesty's Treasury.

We, the undersigned Judges of the Superior Courts of Common Law, do settle, allow, and sanction the before-mentioned Table of Fees prepared by the Commissioners of Her Majesty's Treasury, and we do hereby establish the same, under the provisions of the aforesaid Act.

Dated the twenty-second day of November 1852.

(Signed) *Campbell,* { Lord Chief Justice of the Court of Queen's Bench.
John Jervis, { Lord Chief Justice of the Court of Common Pleas.
Fred. Pollock, { Lord Chief Baron of the Court of Exchequer.
W. H. Maule, *E. V. Williams,* *T. N. Talfourd,* } Judges of the Court of Common Pleas.

---

7. RETURN from the QUEEN'S REMEMBRANCER.

The Queen's Remembrancer's Office,
58, Chancery Lane,
July 14, 1862.

SIR,

IN compliance with the request contained in your letter of the 12th instant, I now enclose a Return of the existing court fees or charges and other law taxes in the office of the Queen's Remembrancer, specifying the Statutes or Rules by which they are imposed.

I am, &c.
(Signed) W. H. WALTON, Q. R.

P.S.—I also enclose a list of fees taken by attorneys practising on the revenue side of the Court.

H. R. Vaughan Johnson, Esq.,
Secretary.

A TABLE of FEES to be received and taken in the Office of Her Majesty's Remembrancer in the Court of Exchequer at Westminster, pursuant to Statute of 5 & 6 Vict. c. 86, as and from the 1st day of January 1843.

	£	s.	d.
1. For nominating and reducing each special jury - - - - - -	2	0	0
2. For every copy required of each list as named - - - - -	0	5	0
,, And as reduced - - - - -	0	2	6
3. For all rules and orders under 5 folios (of 72 words) in length, including entry, and for schedules of fines, &c. set over of same length - - - - - -	0	5	0
4. For all reports and certificates to the court under 5 folios in length (excepting money certificates) - - - -	0	10	0
5. And for every additional folio of such orders, reports, certificates, and schedules -	0	1	0
6. For copying, engrossing, and inrolling all deeds, orders, reports, informations, pleas, and other proceedings, at per folio -	0	0	4
7. For every warrant or summons - -	0	2	0
8. For examining copies with records for proof, per folio - - - - - -	0	0	2
9. For examining deeds and other proceedings, and for amending records, per hour -	0	5	0
10. For filing affidavits, informations, and all pleadings, reports, certificates, writs, and other proceedings - - - -	0	2	0
11. For attending the court with any deeds or proceedings - - - -	0	10	0
12. For attending any other court with a record, per day besides expenses - - -	1	0	0
13. For every direction to pay money into court, and for all money certificates - -	0	5	0
14. For the receipt of every sum paid out of court amounting to 20*l.*, and not exceeding 50*l.* - - - - - -	0	1	6
15. And at the rate of 1*s.* 6*d.* for every additional 50*l.*			
16. For acknowledging the execution of a deed before a baron, and for attending at the bank to sell transfer or accept stock -	1	0	0
17. For signing every advertisement, receiver's account, and for perusing and settling deeds, per skin of 15 folios - -	0	10	0
18. For every search for records, per term -	0	0	4
19. For inspecting records, including extracts therefrom - - - - -	0	2	6
20. For making out schedules of fines, &c., for citizens of London, the ancient fee or composition of* - - - - - -	25	0	0

* This fee not now received; the duty being transferred to another department. July 14, 1862.

Fees and Taxes.

Court of Exchequer in England.

Office of the Queen's Remembrancer.

	£	s.	d.
21. For all writs of subpœna, attachment, capias, venire, distringas, and privilege, including sealing	0	5	0
22. For every writ of commission to find debts and commission to take bail or recognizances, writ of extent and venditioni expones, including sealing	1	0	0
23. For every writ of fieri facias, scire facias, habeas corpus, supersedeas, certiorari, and amoveas manus, including sealing	0	10	0
24. For every writ of levari facias	0	10	0
25. For every special commission	2	0	0
26. For re-sealing all commissions and writs, a moiety of each of the above fees.			
27. For inrolling continuances, making up record, inrolling postea, and drawing and entering up judgment	0	5	0
28. For every warrant of nisi prius and of tales	0	2	0
29. For information of seizure, for entering writ of appraisement, for entering same on roll, including proclamation and rule, and for every writ of delivery	0	5	0
30. For every common recovery	0	10	0
31. For entering every appearance or claim	0	5	0
32. For every bail piece	0	5	0
33. For preparing each recognizance for costs (exclusive of stamp duty)	0	10	0
34. For preparing all other recognizances and bonds (exclusive of stamps)	0	10	0
35. If more than 10 folios, 1s. per folio	0	1	0
36. For every certificate of search or inrollment; for a constat, and for entering appointment of bailiff of liberty	0	5	0
37. For attending the sale of estates sold pursuant to order of court	1	1	0

(Signed) Abinger.
J. Parke.
J. Gurney.
R. M. Rolfe.
E. H. Alderson.

31st January 1843.

Hilary Term, January 31, 1843.

It is ordered by the Court, pursuant to Statute of 5 & 6 Vict. c. 86, That the several fees mentioned and set forth or referred to in the Schedule hereunder written shall and may be received and taken by attorneys practising on the Revenue side of this Court, and the same are to be allowed to them on taxation of costs, as and from the 1st day of January 1843.

The Schedules of Fees above referred to.

	£	s.	d.
1. For instructions to prosecute by information or to defend	0	6	8
2. For instructions in other matters	0	6	8
3. For precipæ and attendance at the Queen's Remembrancer's Office for all writs	0	6	8
4. The like to enter appearances	0	6	8
5. And for all other necessary and proper attendances at the same office in the furtherance of the business of the suit at the discretion of the Remembrancer	0	6	8
6. For drawing informations and all pleadings, exclusive of fees paid to counsel for settling same, at per folio of 72 words	0	1	0
7. For copies and engrossments of all informations and pleadings, at per folio	0	0	4
8. For copies of all rules or orders to serve, if under 5 folios	0	3	4
9. And for every additional folio	0	0	4
10. For service of same on adverse attorney	0	3	4
11. If on party and requiring personal service	0	6	8
12. And if the party or attorney resides any distance beyond 3 miles from the office of the Queen's Remembrancer, then 1s. per mile extra for such service.			
„ If more than 10 miles, then 3s. 6d. to be allowed for a letter and a charge for agency.			
13. For copy and service of each warrant or summons on adverse attorney	0	3	4
14. The like on party, if personal service required	0	6	8
15. And if resident beyond 3 miles from the Queen's Remembrancer's Office, then 1s. per mile extra, and if more than 10 miles, then 3s. 6d. to be allowed for a letter and a charge for agency.			
16. For each and every term the proceedings shall continue, and in which some step shall be taken in the furtherance thereof	0	10	0
17. And for letters and messengers in like manner each term	0	5	0

And as regards all other fees and charges to be made by attorneys, they are to be of the same amount and character and regulated by the practice of the Queen's Remembrancer's Office, and the rules and orders of this Court on the pleas side in regard to costs.

(Signed) Abinger.
J. Parke.
J. Gurney.
R. M. Rolfe.
E. H. Alderson.

Associate in the Court of Exchequer.

8. Return of the existing Fees in the Office of the Associate in the Court of Exchequer, specifying the Statute by which they are imposed.

[Here followed a table of fees in the words and figures set out in the table of fees annexed to the Return from the Masters of the Court of Exchequer, under the head of "Offices of the Associates to the Three Chief Judges," which will be found at pp. 38, 39 *suprà*.]

(Signed) Henry Pollock.

Appendix F.—Returns as to Salaries and Emoluments of Officers of Superior Courts of Common Law, England.

CONTENTS.

Superior Courts of Common Law, England.

Return of Officers' Salaries and Emoluments.

I.—Circular to Officers of Superior Courts of Common Law in England requesting Returns of Number of Officers, Amount of their Salaries and Emoluments, and from what Sources paid.

II.—Answers thereto, viz.:

		Page
1.	Return as to Court of Queen's Bench, Henry W. Frayling, Esq., Principal Clerk to Lord Chief Justice	41
2.	„ as to same, Crown Side, Crown Office, J. G. Malcolm, Esq., Master	42
3.	„ as to same, Plea Side, Masters' Office, A. D. Croft, Esq., Master	42
4.	„ as to same, Plea Side, Associate's Office, H. G. Campbell, Esq., Associate	42
5.	„ as to Court of Common Pleas, Masters' Office, Office of the Registrar of Certificates of acknowledgments of Deeds by Married Women, and Associate's Office, Alexander A. Park, Esq., Senior Master	42
6.	„ as to Court of Exchequer, John Boucher, Esq., Clerk to Lord Chief Baron	43
7.	„ as to same, Queen's Remambrancer's Office, W. H. Walton, Esq., Queen's Remembrancer	43
8.	„ as to same, Masters' Office, W. H. Walton, W. H. Pollock, and John C. Templer, Esqrs., Masters	43
9.	„ as to same, Associate's Office, Henry Pollock, Esq., Associate.	43

Superior Courts of Common Law, England.

Return of Officers' Salaries and Emoluments.

I. Circular to Officers of Superior Courts of Common Law in England, requesting Returns of Number of Officers, of their Salaries and Emoluments, and from what Sources paid.

English and Irish Law and Chancery Commission,
6, Adelphi Terrace, 8th July 1862.

Sir,—We are directed by the English and Irish Law and Chancery Commissioners to request that you will have the goodness to furnish them with a Return of the various Officers in the Office of ————, showing the amount of their salaries and emoluments, and the sources from which such salaries or emoluments are paid.

We have, &c.

(Signed) W. Neilson Hancock, H. R. Vaughan Johnson, } Secretaries.

Queen's Bench.

Henry W. Frayling, Esq., Principal Clerk to the Lord Chief Justice.

II. 1. Return of all the Officers of the Court of Queen's Bench in England, showing the Amount of their Salaries, and out of what Fund such Salaries are paid.

Officers.	Salaries. £	s.	d.	Out of what Fund paid.
Lord Chief Justice - -	8,000	0	0	} Consolidated Fund.
4 Puisne Judges at 5,000*l.* each	20,000	0	0	
1st Clerk to Lord Chief Justice at Westminster.	700	0	0	Superior Courts' Fee Fund, 15 & 16 Vict. c. 73. s. 12.
2nd Clerk to do. at Chambers	400	0	0	do.
3rd Clerk to do. at Westminster.	400	0	0	do.
1st Clerk to Hon. Mr. Justice Wightman at Westminster.	600	0	0	do.
2nd Clerk to do. at Chambers	400	0	0	do.
1st Clerk to Hon. Mr Justice Crompton at Westminster.	600	0	0	do.
2nd Clerk to do. at Chambers	400	0	0	do.
1st Clerk to Hon. Mr. Justice Blackburn at Westminster.	600	0	0	do.
2nd Clerk to do. at Chambers	400	0	0	do.
1st Clerk to Hon. Mr. Justice Mellor at Westminster.	600	0	0	Superior Courts' Fee Fund, 15 & 16 Vict. c. 73. s. 12.
2nd Clerk to do. at Chambers	400	0	0	do.
Tipstaff to the Lord Chief Justice.	150	0	0	} Partly by Fees, and deficiency by the Masters out of the Fee Fund, pursuant to Treasury Letter sent each quarter.
2nd Tipstaff to the Puisne Judges.	150	0	0	
Do. extra allowance for expenses.	6	13	4	
3rd Tipstaff to the Puisne Judges.	150	0	0	
Do. extra allowance for expenses.	6	13	4	
Chief Usher at Westminster -	191	15	1	Superior Courts' Fee Fund.
Do. Emoluments -	33	1	1	do.
2nd Usher at Westminster -	146	19	4	do.
Do. Emoluments -	33	1	1	do.
3rd Do. Westminster -	120	0	0	do.
Do. Emoluments -	33	1	1	do.
4th Do. Westminster -	120	0	0	do.
Do. Emoluments -	33	1	1	do.
Train Bearer to the Lord Chief Justice.	100	0	0	do.
Chamber Keeper at Westminster.	50	0	0	do.
Allowance for cleaning Courts, &c.	40	0	0	do.
Messenger at Westminster -	100	0	0	do.
Messenger at Chambers to all the Common Law Courts.	75	0	0	Out of Fees received at Judges Chambers.

Master's Office, Crown side, return sent in.
Master's Office, Civil side, return sent in.
Associate's Office return sent in.

(Signed) Henry W. Frayling.

Court of Queen's Bench,
28th January 1863.

Queen's Bench.

Henry W. Frayling, Esq., Principal Clerk to the Lord Chief Justice.

Superior Courts of Common Law, England.

Return of Officers' Salaries and Emoluments.

Queen's Bench (Crown Side).

J. G. Malcolm, Esq., Master.

II. 2. Return of all the Officers on the Crown Side of the Court of Queen's Bench at Westminster, showing the Amount of their Salaries, and out of what Fund such Salaries are paid.

Officers.	Salaries.	Out of what Fund paid.
	£ s. d.	
Her Majesty's Coroner and Attorney, Clerk of the Crown, and Master of the Crown office.	1,200 0 0	Fees received in the Crown Office, and when the amount thereof is insufficient, the deficiency out of Consolidated Fund.
Master on the Crown side.	1,200 0 0	
Clerks, first - -	435 0 0 (increasing by 15*l.* a year to 500*l.*)	
„ second - -	415 0 0 (increasing by 15*l.* a year to 500*l.*)	
„ third - -	200 0 0	
„ occasional -	1 10 0 (per week.)	
Messenger - -	50 0 0	

Note.—None of these officers receive fees or other emoluments for their own benefit.

(Signed) J. G. Malcolm, Master.

Crown Office, Temple, July 15, 1862.

Queen's Bench (Plea Side).

Officers of the Masters.

A. D. Croft, Esq., Master.

II. 3. A Return from the Masters on the Plea Side of the Court of Queen's Bench at Westminster, showing the Amount of the Salaries, and out of what Fund such Salaries are paid.

Five Masters at 1,200*l.* per annum each - £6,000

	Minimum.	Maximum.	Present Salary.	Increase per Annum.	
23 Clerks, as follows:—					
Rule Office:—	£	£	£	£	£
First Clerk -	500	600	500	20	600
Second „ -	450	500	450	20	500
Third „ -	250	300	250	10	300
Fourth „ -	200	250	200	10	250
Fifth „ -	130	180	130	10	180
Judgment Office:—					
First Clerk -	400	600	600	20	600
Second „ -	200	330	330	10	330
Third „ -	200	320	320	10	320
Fourth „ -	130	230	230	10	230
Fifth „ -	80	100	90	10	100
Writ Office:—					
First Clerk -	300	350	345	10	350
Second „ -	200	250	240	10	250
Third „ -	130	180	140	10	180
Record Office:—					
First Clerk -	300	350	350	10	350
Second „ -	200	250	250	10	250
Filacer's Office:—					
One Clerk -	300	350	350	10	350
Appearance Office:—					
First Clerk -	220	300	300	10	300
Second „ -	180	220	190	10	220
Third „ -	80	100	80	10	100
Masters' Office:—					
First Clerk -	300	536	536	10	536
Second „ -	220	280	280	10	280
Third „ -	180	200	190	10	200
Fourth „ -	100	120	100	10	120

One Messenger - - - - -	£100
Housekeeper and Assistants - - - -	125

All payments are made, pursuant to 1 Vict. c. 30., out of the Consolidated Fund.

(Signed) A. D. Croft, Master Q.B.

Queen's Bench, Master's Office, Temple, July 24, 1862.

Superior Courts of Common Law, England.

Return of Officers' Salaries and Emoluments.

Queen's Bench.

Office of the Associate.

Honble. H. G. Campbell, Associate.

II. 4. Return of the various Officers of the Office of the Associate in the Court of Queen's Bench, showing the Amount of their Salaries, and out of what Fund such Salaries are paid.

Officers.	Salaries.	Out of what Fund paid.
	£	
The Associate -	1,000	By 13th Sect. of the Act 15 & 16 Vict. c. 73., directed to be paid out of, and chargeable upon the Fees received by the said Officers and Clerks.
Senior Clerk to ditto	200, rising 10*l.* per annum to 300*l.*	
Second Clerk to ditto.	150, rising 10*l.* per annum to 200*l.*	
Third Clerk to ditto	100, rising 10*l.* per annum to 150*l.*	
The Messenger to the 3 Associates for the Courts of Queen's Bench, Common Pleas, and Exchequer of Pleas.	60, one-third paid by each Associate.	
The Wife of Messenger as Housekeeper to ditto.	30, paid in like manner.	

(Signed) H. G. Campbell.

Court of Common Pleas.

Alex. A. Park, Esq., Senior Master.

II. 5. Return of all the Officers of the Court of Common Pleas in England, showing the Amount of their Salaries, and out of what Fund such Salaries are paid.

Officers.	Salaries.	Out of what Fund paid.
Judges and Officers.	£ s. d.	
Lord Chief Justice -	7,000 0 0	Consolidated Fund.
4 Puisne Judges, at 5,000*l.* each.	20,000 0 0	
Trainbearer to Lord Chief Justice.	100 0 0	Superior Courts' Fee Fund.
Court keeper at Westminster Hall.	150 0 0	
And for cleaning rooms, Court, &c.	33 12 0	
1 Usher at Westminster Hall.	180 0 0	
Emolument - -	7 0 0	
3 Ushers at Westminster Hall at 120*l.* each.	360 0 0	
Messenger to Court at Westminster Hall.	100 0 0	
Tipstaff to ditto - -	200 0 0	Fees received, and deficiency out of Fee Fund received in Masters' Offices.
Assistant Tipstaff - -	54 12 0	
Masters' Offices.		
5 Masters at 1,200*l.* each	6,000 0 0	Fee Fund received in Masters Offices.
1 Chief Clerk (who is also Clerk attending Court in Banc.)*	700 0 0	
1 Clerk at - - -	500 0 0	
1 ditto - - - -	400 0 0	
1 ditto - - - -	350 0 0	
1 ditto † - - -	330 0 0	
1 ditto - - - -	250 0 0	
1 ditto † - - -	240 0 0	
1 ditto † - - -	230 0 0	
1 ditto † - - -	170 0 0	
1 ditto † - - -	160 0 0	
1 ditto † - - -	150 0 0	
1 ditto † - - -	130 0 0	
1 Messenger - -	100 0 0	
1 ditto † - - -	60 0 0	

* This salary was fixed by the Treasury under special circumstances and on the relinquishment of an allowance.

† These salaries are progressive.

SUPERIOR COURTS OF COMMON LAW, ENGLAND.

Return of Officers' Salaries and Emoluments.

Court of Common Pleas.

Alex. A. Park, Esq., Senior Master.

Officers.	Salaries.			Out of what Fund Paid.
Associate's Office.	£	s.	d.	
Associate - - -	1,000	0	0	Fee Fund of this Office.
1 Clerk to ditto at * -	270	0	0	
1 ditto to ditto at - -	200	0	0	
1 Messenger † - -	20	0	0	
1 Housekeeper † - -	10	0	0	
Registrar of Certificates of the Acknowledgment of Deeds by Married Women Office.				
Registrar - - -	700	0	0	Fee Fund of this Office.
1 Clerk at - - -	300	0	0	
1 do. at - - -	200	0	0	
Registrar of Judgments, &c. Office.				
Registrar - - -	800	0	0	Fee Fund of this Office.
1 Clerk at - - -	300	0	0	
1 do. - - - -	200	0	0	
1 do. - - - -	100	0	0	
1 do. - - - -	26	0	0	
Judges' Chambers.				
1 Chief Clerk to the Lord Chief Justice.	842	0	0	Superior Courts Fee Fund.
1 Clerk to do. - -	700	0	0	
1 Clerk to do. - -	400	0	0	
1 Chief Clerk to each of the four Puisne Judges, at 600*l.* each.	2,400	0	0	
1 Clerk to each of do. at 400*l.* each.	1,600	0	0	

(Signed) ALEX. A. PARK,
Senior Master of the Common Pleas.

Common Pleas Office, Chancery Lane, W.C.,
28th July 1862.

Court of Exchequer.

John Boucher, Esq., Clerk to Lord Chief Baron.

II. 6. RETURN of all the OFFICERS of the COURT of EXCHEQUER in ENGLAND, showing the Amount of their Salaries, and out of what Fund such Salaries are paid.

Officers.	Salaries.	Out of what Fund paid.
	£	
Lord Chief Baron - -	7,000	
4 Puisne Barons at 5,000*l.* each -	20,000	Consolidated Fund.
1st Clerk to the Lord Chief Baron, at Westminster.	700	Superior Courts Fee Fund.
2nd Clerk to do., at Chambers -	400	Do.
3rd Clerk to do., at Westminster -	400	Do.
1st Clerks to the 4 Puisne Barons, each 600*l.*	2,400	Do.
2nd Clerks to do., each 400*l.* - Note.—The 1st Clerks of the Puisne Barons attend at Westminster, the 2nd Clerks at Chambers.	1,600	Do.
Train Bearer to the Lord Chief Baron.	100	Do.
Court Keeper - - -	150	Do.
Tipstaff - - - -	300	Do.
Ushers, 5 at 120*l.* each - -	600	Do.

N.B.—These Officers receive no Fees or other Emoluments for their private benefit.

(Signed) JOHN BOUCHER,
Chamber Clerk to the Lord Chief Baron.

* This salary is progressive.
† This messenger is also messenger to the Associates of the Courts of Queen's Bench and Exchequer, and receives the like sum from each. The same note applies to the housekeeper.

II. 7. SALARIES in the QUEEN'S REMEMBRANCER'S OFFICE.

SUPERIOR COURTS OF COMMON LAW, ENGLAND.

Return of Officers' Salaries and Emoluments.

Court of Exchequer.

Office of Queen's Remembrancer.

W. H. Walton, Esq., Queen's Remembrancer.

Officers.	Salaries.	Out of what Fund paid.
	£	
The Queen's Remembrancer per annum	800	Fees received in the office, but if deficient, out of Superior Courts Fee Fund, or, if that should be deficient, money voted by Parliament, pursuant to 22 & 23 Vict. c. 21. s. 4.
Two First Class Clerks at 500*l.* per annum (rising 20*l.* per annum to 600*l.*) -	1,000	
Four Second Class Clerks at 250*l.* per annum (rising 15*l.* per annum to 400*l.*)	1,000	
Three Third Class Clerks at 100*l.* per annum (rising 10*l.* per annum to 200*l.*)	300	
One Bagbearer 100*l.* per annum (rising 5*l.* per annum to 150*l.*) - - -	100	
Two Messengers at 60*l.* per annum (rising 2*l.* 10*s.* per annum to 80*l.*) - -	120	
One Housekeeper, per annum - - -	40	

NOTE.—None of these officers receive fees for their own benefit.

14th July 1862. (Signed) W. H. WALTON, Q. R.

II. 8. RETURN of all the OFFICERS of the COURT of EXCHEQUER in ENGLAND, showing the Amount of Salaries, and out of what Fund such Salaries are paid.

W. H. Walton, W. H. Pollock, and John C. Templer, Masters.

	Salaries.	Out of what Fund paid.
	£	
5 Masters, each -	1,200	Suitors' Fee Fund; but when not sufficient out of Consolidated Fund.
Clerks.		
1 clerk at - -	600	Suitors' Fee Fund.
1 „ - -	500	
2 clerks at - -	400	
3 „ - -	350	
2 „ - -	300	
3 „ - -	250	
2 „ - -	200	
3 „ - -	180	
1 „ - -	150	

(Signed) W. H. WALTON.
W. H. POLLOCK.
JOHN C. TEMPLER.
Exchequer Office, Lincoln's Inn,
14th July 1862.

II. 9. RETURN of the various OFFICERS of the OFFICE OF THE ASSOCIATE OF THE COURT OF EXCHEQUER OF PLEAS, showing the Amount of their Salaries, and out of what Fund such Salaries are paid.

Office of Associate.

Henry Pollock, Esq., Associate.

Officers.	Salaries.	Out of what Fund paid.
	£	
The Associate -	1,000	By 13th Section of the Act 15 & 16 Vict. c. 73. directed to be paid out of, and chargeable upon the fees received by the said Officers and Clerks.
Senior Clerk to ditto	200, rising 10*l.* per annum to 300*l.*	
Second Clerk to ditto.	150, rising 10*l.* per annum to 200*l.*	
Third Clerk to ditto	100, rising 10*l.* per annum to 150*l.*	
The Messenger to the 3 Associates for the Courts of Queen's Bench, Common Pleas, and Exchequer of Pleas.	60, one-third paid by each Associate.	
The Wife of Messenger as Housekeeper to ditto.	30, paid in like manner.	

(Signed) HENRY POLLOCK.
Exchequer, Associate's Office, 26th July 1862.

Appendix G.—Summary of the Returns of all the Officers of the Superior Courts of Common Law in England, showing the Amount of their Salaries, and out of what Fund such Salaries are paid.

Superior Courts of Common Law, England.

Summary of Officers' Salaries and Fees.

COURT OF QUEEN'S BENCH.

Officers.	Salaries.	Out of what Fund paid.
Judges and Officers.	£ s. d.	
Lord Chief Justice -	8,000 0 0	Consolidated Fund.
4 Puisne Judges at 5,000*l.* each.	20,000 0 0	
1st Clerk to Lord Chief Justice at Westminster	700 0 0	Superior Courts' Fee Fund, 15 & 16 Vict. c. 73. s. 12.
2nd Clerk to do. at Chambers.	400 0 0	do.
rd Clerk to do. at Westminster.	400 0 0	do.
1st Clerk to Hon. Mr. Justice Wightman at Westminster.	600 0 0	do.
2nd Clerk to do. at Chambers.	400 0 0	do.
1st Clerk to Hon Mr. Justice Crompton at Westminster.	600 0 0	do.
2nd Clerk to do. at Chambers.	400 0 0	do.
1st Clerk to Hon. Mr. Justice Blackburn at Westminster.	600 0 0	do.
2nd Clerk to do. at Chambers.	400 0 0	do.
1st Clerk to Hon. Mr. Justice Mellor at Westminster.	600 0 0	do.
2nd Clerk to do. at Chambers.	400 0 0	do.
Tipstaff to the Lord Chief Justice.	150 0 0	Partly by Fees, and deficiency by the Masters out of the Fee Fund, pursuant to Treasury Letter sent each quarter.
2nd Tipstaff to the Puisne Judges.	150 0 0	
Do. extra allowance for expenses.	6 13 4	
3rd Tipstaff to the Puisne Judges.	150 0 0	
Do. extra allowance for expenses.	6 13 4	
Chief Usher at Westminster.	191 15 1	Superior Courts' Fee Fund.
Do. Emoluments -	33 1 1	do.
2nd Usher at Westminster	146 19 4	do.
Do. Emoluments	33 1 1	do.
3rd Do. Westminster	120 0 0	do.
Do. Emoluments	33 1 1	do.
4th Do. Westminster	120 0 0	do.
Do. Emoluments	33 1 1	do.
Train Bearer to the Lord Chief Justice.	100 0 0	do.
Chamber Keeper at Westminster.	50 0 0	do.
Allowance for cleaning Courts, &c.	40 0 0	do.
Messenger at Westminster.	100 0 0	do.
Messenger at Chambers to all the Common Law Courts.	75 0 0	Out of Fees received at Judges' Chambers.

Court of Queen's Bench—*continued.*

Officers.	Salaries.	Out of what Fund paid.
Masters' Offices (Crown Side).	£ s. d.	
Her Majesty's Coroner and Attorney, Clerk of the Crown, and Master of the Crown office.	1,200 0 0	Fees received in the Crown Office, and when the amount thereof is insufficient, the deficiency out of Consolidated Fund.
Master on the Crown side -	1,200 0 0	
Clerks, first - - -	435 0 0 (increasing by 15*l.* a year to 500*l.*)	
„ second - -	415 0 0 (increasing by 15*l.* a year to 500*l.*)	
„ third - -	200 0 0	
„ occasional - -	1 10 0 (per week.)	
Messenger - -	50 0 0	

Note.—None of these officers receive fees or other emoluments for their own benefit.

Masters' Offices (Plea Side).					
Five Masters at 1,200*l.* per annum each.	£6,000				Consolidated Fund.
	Minimum.	Maximum.	Present Salary.	Increase per Annum.	
23 Clerks, as follows :—	£	£	£	£	£
Rule Office :—					
First Clerk -	500	600	500	20	600
Second „ -	450	500	450	20	500
Third „ -	250	300	250	10	300
Fourth „ -	200	250	200	10	250
Fifth „ -	130	180	130	10	180
Judgment Office :—					
First Clerk -	400	600	600	20	600
Second „ -	200	330	330	10	330
Third „ -	200	320	320	10	320
Fourth „ -	130	230	230	10	230
Fifth „ -	80	100	90	10	100
Writ Office :—					
First Clerk -	300	350	345	10	350
Second „ -	200	250	240	10	250
Third „ -	130	180	140	10	180
Record Office :—					
First Clerk -	300	350	350	10	350
Second „ -	200	250	250	10	250
Filacer's Office :—					
One Clerk -	300	350	350	10	350
Appearance Office :—					
First Clerk -	220	300	300	10	300
Second „ -	180	220	190	10	220
Third „ -	80	100	80	10	100
Masters' Office :—					
First Clerk -	300	536	536	10	536
Second „ -	220	280	280	10	280
Third „ -	180	200	190	10	200
Fourth „ -	100	120	100	10	120
One Messenger - - -	£100				
Housekeeper and Assistants -	125				

COURT OF QUEEN'S BENCH—*continued.*

Officers.	Salaries.	Out of what Fund paid.
Associate's Office.	£	
The Associate -	1,000	By 13th Sect. of the Act 15&16 Vict. c. 73., directed to be paid out of, and chargeable upon the Fees received by the said Officers and Clerks.
Senior Clerk to ditto	200, rising 10*l.* per annum to 300*l.*	
Second Clerk to ditto.	150, rising 10*l.* per annum to 200*l.*	
Third Clerk to ditto	100, rising 10*l.* per annum to 150*l.*	
The Messenger to the 3 Associates for the Courts of Queen's Bench, Common Pleas, and Exchequer of Pleas.	60, one-third paid by each Associate.	
The Wife of Messenger as Housekeeper to ditto.	30, paid in like manner.	

COURT OF COMMON PLEAS.

Officers.	Salaries.	Out of what Fund paid.
Judges and Officers.	£ s. d.	
Lord Chief Justice -	7,000 0 0	Consolidated Fund.
4 Puisne Judges, at 5,000*l.* each.	20,000 0 0	
Train Bearer to Lord Chief Justice.	100 0 0	Superior Courts' Fee Fund.
Court keeper at Westminster Hall.	150 0 0	
And for cleaning rooms, Court, &c.	33 12 0	
1 Usher at Westminster Hall.	180 0 0	
Emolument -	7 0 0	
3 Ushers at Westminster Hall at 120*l.* each.	360 0 0	
Messenger to Court at Westminster Hall.	100 0 0	
Tipstaff to ditto -	200 0 0	Fees received, and deficiency out of Fee Fund received in Masters' Offices.
Assistant Tipstaff -	54 12 0	
Masters' Offices.		
5 Masters at 1,200*l.* each	6,000 0 0	Fee Fund received in Masters' Offices.
1 Chief Clerk (who is also Clerk attending Court in Banc).*	700 0 0	
1 Clerk at - - -	500 0 0	
1 ditto - - -	400 0 0	
1 ditto - - -	350 0 0	
1 ditto† - - -	330 0 0	
1 ditto - - -	250 0 0	
1 ditto† - - -	240 0 0	
1 ditto† - - -	230 0 0	
1 ditto† - - -	170 0 0	
1 ditto† - - -	160 0 0	
1 ditto† - - -	150 0 0	
1 ditto† - - -	130 0 0	
1 Messenger - -	100 0 0	
1 ditto† - - -	60 0 0	
Associate's Office.		
Associate - -	1,000 0 0	Fee Fund of this Office.
1 Clerk to ditto at† -	270 0 0	
1 ditto to ditto at -	200 0 0	
1 Messenger‡ - -	20 0 0	
1 Housekeeper‡ -	10 0 0	

* This salary was fixed by the Treasury under special circumstances and on the relinquishment of an allowance.

† These salaries are progressive.

‡ This messenger is also messenger to the Associates of the Courts of Queen's Bench and Exchequer, and receives the like sum from each. The same note applies to the housekeeper.

COURT OF COMMON PLEAS—*continued.*

Officers.	Salaries.	Out of what Fund paid.
Registrar of Certificates of the Acknowledgment of Deeds by Married Women Office.		
Registrar - -	700 0 0	Fee Fund of this Office.
1 Clerk at - -	300 0 0	
1 ditto at - -	200 0 0	
Registrar of Judgments, &c. Office.		
Registrar - -	800 0 0	Fee Fund of this Office.
1 Clerk at - -	300 0 0	
1 ditto - - -	200 0 0	
1 ditto - - -	100 0 0	
1 ditto - - -	26 0 0	
Judges' Chambers.		
1 Chief Clerk to the Lord Chief Justice.	842 0 0	Superior Courts' Fee Fund.
1 Clerk to ditto - -	700 0 0	
1 Clerk to ditto - -	400 0 0	
1 Chief Clerk to each of the four Puisne Judges, at 600*l.* each.	2,400 0 0	
1 Clerk to each of ditto, at 400*l.* each.	1,600 0 0	

COURT OF EXCHEQUER.

Officers.	Salaries.	Out of what Fund paid.
Judges and Officers.	£	
Lord Chief Baron - -	7,000	Consolidated Fund.
4 Puisne Barons at 5,000*l.* each.	20,000	
1st Clerk to the Lord Chief Baron, at Westminster.	700	Superior Courts' Fee Fund.
2nd Clerk to do., at Chambers	400	Do.
3rd Clerk to do., at Westminster.	400	Do
1st Clerks to the 4 Puisne Barons, each 600*l.*	2,400	Do.
2nd Clerks to do., each 400*l.*	1,600	Do.
Note.—The 1st Clerks of the Puisne Barons attend at Westminster, the 2nd Clerks at Chambers.		
Train Bearer to the Lord Chief Baron.	100	Do.
Court Keeper - - -	150	Do.
Tiptstaff - - - -	300	Do.
Ushers, 5 at 120*l.* each. -	600	Do.
Queen's Remembrancer's Office.		
The Queen's Remembrancer, per annum.	800	Fees received in the office, but if deficient, out of Superior Courts' Fee Fund, or, if that should be deficient, money voted by Parliament, pursuant to 22&23 Vict. c. 21. s. 4.
Two First Class Clerks at 500*l.* per annum (rising 20*l.* per annum to 600*l.*)	1,000	
Four Second Class Clerks at 250*l.* per annum (rising 15*l.* per annum to 400*l.*)	1,000	
Three Third Class Clerks at 100*l.* per annum (rising 10*l.* per annum to 200*l.*)	300	
One Bagbearer 100*l.* per annum (rising 5*l.* per annum to 150*l.*)	100	
Two Messengers at 60*l.* per annum (rising 2*l.* 10*s.* per annum to 80*l.*)	120	
One Housekeeper, per annum	40	

COURT OF EXCHEQUER—*continued.*

Officers.	Salaries.	Out of what Fund paid.
Masters' Offices.	£	
5 Masters, at 1,200*l.* per ann. each.	6,000	Suitors' Fee Fund; but when not sufficient out of Consolidated Fund.
1 Clerk at - - -	600	Suitors' Fee Fund.
1 „ - - -	500	
2 Clerks at 400*l.* each - -	800	
3 „ at 350*l.* each - -	1,050	
2 „ at 300*l.* each - -	600	
3 „ at 250*l.* each - -	750	
2 „ at 200*l.* each - -	400	
3 „ at 180*l.* each - -	540	
1 „ - - -	150	

COURT OF EXCHEQUER—*continued.*

Officers.	Salaries.	Out of what Fund paid.
Associate's Office.	£	
The Associate - - -	1,000	Fee Fund of this Office.
Senior Clerk to ditto - -	200, rising 10*l.* per ann. to 300*l.*	
Second Clerk to ditto -	150, rising 10*l.* per ann. to 200*l.*	
Third Clerk to ditto - -	100, rising 10*l.* per ann. to 150*l.*	
The Messenger to the 3 Associates for the Courts of Queen's Bench, Common Pleas, and Exchequer of Pleas.	20*l.**	
The Wife of Messenger as Housekeeper to ditto.	10*l.**	

NOTE.—None of these officers receive fees for their own benefit.

* This messenger is also messenger to the Associates of the Courts of Queen's Bench and Common Pleas, and receives the like sum from each. The same note applies to the housekeeper.

SUPERIOR COURTS OF COMMON LAW, ENGLAND.

Summary of Officers' Salaries and Fees.

Superior Courts of Common Law, Ireland.

Duties and Appointment of Officers.

Appendix H.—Papers relating to the Duties and Appointment of Officers of Superior Courts of Common Law, Ireland.

Superior Courts of Common Law, Ireland.

Duties and Appointment of Officers.

CONTENTS.

Page

I. Circular to Heads of Offices, ... 47

II. Answers of Officers thereto, viz.:—
1. James Nagle, Esq., Clerk of the Crown, Coroner and Attorney to the Queen, and Master of the Crown Office in Ireland, ... 47
2. Arthur Bushe, Esq., Master of the Court of Queen's Bench in Ireland, ... 48
3. Christopher N. Duff, Esq., Clerk of the Rules in the Queen's Bench, Ireland, ... 51
4. Charles Granby Burke, Esq., Master of the Court of Common Pleas, Ireland, ... 53
5. Robert Hitchcock, Esq., Master of the Court of Exchequer, Ireland, ... 55
6. William MacDougall, Esq., Clerk of Writs, ... 56
7. Edward Howell Scriven, Esq., Registrar of Judgments, &c., Ireland, ... 57
8. Henry Colles, Esq., Principal Taxing Officer, Common Law Taxing Office, ... 59
9. Thomas R. Crawford, Esq., Clerk of the Errors, Court of Exchequer Chamber, Ireland, ... 59
10. Thomas Courtenay, Esq., Registrar, Consolidated Nisi Prius Court, ... 60
11. Thomas Courtenay, Esq., Registrar to the Lord Chief Justice, ... 61
12. Henry J. Monahan, Esq., Registrar to the Chief Justice of the Common Pleas, ... 61

III. Circular as to Common Law Practice and Procedure, and as to Establishments of the Common Law Courts, addressed to the Clerks of the Rules of the Three Superior Courts of Common Law, Ireland, . . . 62

IV. Answers thereto:—
1. Henry Yeo, Jun., Esq., Clerk of the Rules in the Exchequer, ... 62
2. Christopher N. Duff, Esq., Clerk of the Rules in the Queen's Bench, ... 64

I. Circular as to the Duties and Appointment of Officers of the Superior Courts of Common Law, Ireland, addressed to the Heads of Offices.

Form of Circular.

Form of Circular.

Form of Circular.

Law and Chancery Commission Office,
Four Courts, Dublin,
—— day of ———, 1862.

Sir,—I am directed by Her Majesty's Commissioners for Inquiring into the Superior Courts of Common Law and the Courts of Chancery in England and Ireland, to request that you will make a return, showing, in detail—

1. The nature and extent of the duties performed by yourself, and each officer under you, in office.
2. The statutes, warrants, orders, or other authority by which such duties are imposed or regulated.
3. The changes, if any, in the nature or extent of the duties to be performed by each of such officers since his appointment.
4. The statutable or other authority under which each appointment in the office was made, and the person in whom the right of appointment is vested.

I am also to request that you will send your return to this office on or before the day of

I am, Sir, your obedient servant,

(Signed), W. Neilson Hancock,
Secretary.

To——

Queen's Bench.

James Nagle, Esq., Clerk of Crown, &c.

II.—1. Return as to Duties and Appointment of Officers. James Nagle, Esq., Clerk of the Crown, Coroner and Attorney to the Queen, and Master of the Crown Office in Ireland.

Queen's Bench.

James Nagle, Esq., Clerk of Crown, &c.

1. *The nature and extent of the duties performed by the Clerk of the Crown, and each officer under him in the Crown Office in Ireland:—*

It is necessary that the Clerk of the Crown should be in court during its sitting, to prepare and enter all orders and rules of court made upon law arguments and motions; and in vacation he has to give a daily attendance at the Crown Office, excepting the usual holidays and Sundays.

He has to administer the practice and regulate the proceedings in all criminal informations, and the proceedings thereupon;

On informations quo warranto, and all proceedings thereupon;

On indictments, as well those removed by certiorari as those found in Queen's Bench, and all proceedings thereupon;

On records for trial, the necessary continuances, and proceedings thereon;

On outlawry, and all proceedings thereupon;

On enrolment of judgments, and every thing connected therewith;

Proceedings in abatement of nuisance;

Writs of error, and proceedings thereupon;

Writs of certiorari, and all proceedings consequent on the return thereto;

Writs of mandamus, and proceedings thereon;

Writs of habeas corpus, and subsequent proceedings;

Writs of venire;

Writs of distringas juratores;

Writs of distringas ad respondendum;

Writs of attachment, and consequent proceedings;

Writs of subpœna ad respondendum;

Writs of subpœna ad testificandum and duces tecum;

Writs of prohibition, and proceedings thereupon;

Writs of procedendo, and like;

Writs of habeas corpus for transmission of prisoners;

Writ of capias;

Estreat.

Making out and issuing all rules, as well of pleadings as otherwise, at Crown side.

Examining, entering, and countersigning all orders on sentences of penal servitude of courts-martial in Ireland, under the Mutiny Act, and certifying four copies of every such order to the Crown.

Preparing books for the Judges on all law arguments.

Taking affidavits and affirmations at Crown side.

Taking recognizances at Crown side.

As Master, administering all references which may be directed by the Court, 2nd Wm. IV., cap. 48, s. 28.

Examinations upon interrogatories, which must be administered by the Master of the Crown Office in private, and with closed doors.

Articles of the peace, and proceedings thereupon.

Calling and swearing the respective grand juries of the county and city of Dublin, and recording the panels, on the first day of every term.

Recording fines imposed by the court, and returning an account of same to the Fines and Penalties Office.

Making out and issuing orders for special juries at the Crown side of the court, procuring attendance of Sheriff with jurors' book, and other necessary parties; balloting for same; appointing subsequent day for, and reducing same.

To receive a schedule of the presentments of the Town Council of the city of Dublin, under 12 and 13 Vic. cap. 97, lay same before the court, obtain and issue an order for taking them into consideration on a given day, or days, by one of the Judges of this court; attending the fiating of them on such days; adding such new presentments as may be directed by the Judge, and transmitting the schedules, when completed, to the Town Clerk of the city of Dublin.

Attending at and regulating trials at bar;

Attending trials of railway traverses, and all necessary proceedings connected therewith, as well previous to as subsequent to such trials;

Like, as to trials of traverses to presentments for damages occasioned by the construction of public works, malicious injuries, &c.;

Like, as to trials of applications for presentments rejected by Grand Jury or Town Council;

Attendances at the several prisons, when required, to take affidavits, &c., of persons confined therein;

To attend the Judges in vacation in chamber, or at their respective residences, upon all bail and other motions;

Taxing costs of all proceedings at the Crown side of the court, and all proceedings connected therewith, and such other costs as are contemplated by the 2nd Wm. IV. c. 48;

Custody of the Queen's records, supervision of all documents, &c., making searches amongst same when required, &c.;

Collecting the fees of the office, keeping accounts thereof, verifying and returning same into the Treasury at London quarterly.

Court of Criminal Appeal, 11 and 12 Vic. c. 78.

The statute not having provided an officer for this court, the Judges, upon conference, came to the conclusion that it devolved on the Clerk of the Crown in such emergency, from his peculiar position, and in conformity with his general functions and duties, to discharge those arising under the Act, until provision should be made by the Legislature; and he has since continued to discharge them without remuneration.

By the Act 2nd Wm. IV. c. 48, sec. 14, the duties of the Chief Clerk are, to superintend the preparing of all office copies, and otherwise to aid in the discharge of the duties of the office.

The duties of Mr. Richard Maybury, mentioned in my return of the 31st July, 1862, are to aid in the discharge of the general business of the office.

2. *The statutes, warrants, orders, or other authority by which such duties are imposed or regulated:—*

The 18th section of the Act 2nd Wm. 4, c. 48, directs, that the Clerk of the Crown shall execute the duty of his office in person; and the foregoing duties necessarily devolve upon him as incidental to his office, and arise as well from the inherent jurisdiction of the Court of Queen's Bench as from the several statutes having reference and applicable to the various proceedings enumerated.

3. *The changes, if any, in the nature or extent of the duties to be performed by each officer in the office since his appointment:—*

The only change in the nature of the duties is that occasioned by the additional duties arising under the 11 and 12 Vic. cap. 78, commonly called "The Criminal Appeal Act;" those under "The Railways Act, Ireland, 1851;" those under "The Dublin Improvement Act, 1849."

The extent is subject to such occasional fluctuations as affect every business department.

4. *The statutable or other authority under which each appointment in the office was made, and the person in whom the right of appointment is vested:—*

The Act 2 Wm. IV. c. 48, sec. 1, directs, that the Clerk of the Crown shall be appointed by his Majesty, &c., by letters patent under the Great Seal of Ireland, who shall hold his office during good behaviour.

Section 14 directs that the said Clerk of the Crown shall employ one chief or assistant clerk, removable at his pleasure; and I beg leave to refer to the statement in my former return of the 31st July last, in reference to my present Chief Clerk.

Mr. Richard Maybury, the only other person permanently engaged in the Crown Office, I appointed and employed on my own responsibility, seeing the necessity that existed for a third person in the department, and pay him out of my own private means, as stated in my said former return; and having made the Lords of the Treasury aware of my having done so, their Lordships were pleased to sanction same. However, it might be considered the Act 2nd Wm. IV. c. 48, already mentioned, would warrant the remuneration out of the receipts of the office of a person filling Mr. Maybury's position.

(Signed), James Nagle,
Clerk of the Crown, Coroner and Attorney to the Queen, and Master of the Crown Office in Ireland.

II.—2. Return as to Duties and Appointment of Officers. Arthur Bushe, Esq., Master of the Court of Queen's Bench in Ireland.

Arthur Bushe, Esq., Master of Queen's Bench.

In order to give satisfactory information to the Commissioners, it appears necessary to state that the present Master of the Court of Queen's Bench in Ireland was appointed to his office in July, 1830, with the title of Prothonotary by letters patent under the great seal, pursuant to the provisions of the 1st and 2nd George IV. chapter 53. The duties, salaries, &c., of the Prothonotary and several other officers were described and set out by Schedule A of that Act, as follows:—The Prothonotary, in addition to the general superintendence which he is directed to exercise by the Act to which this schedule is annexed, is to have the custody of all cognovits, judgment rolls, judgment books, and memorials of judgment; and he is by himself or his assistant clerks in that behalf to enter on the record all assignments and satisfaction of judgments, and to make searches for judgments, and to give under his hand certificates positive and negative thereof, and to furnish and attest copies of judgments; and he is also to have the custody of all records in the civil side of the said court, and to prepare or cause to be prepared by the three general clerks hereinafter mentioned, transcripts of records for the Court of Error, and all enrolments of the records in the civil side of the said court, and all judicial writs, and all records for trial at Nisi Prius; and generally he is to do all official business whatever in the civil

side of the said court, which it is not the proper business of any of the other officers of the said court to do. Salary, £1,500 per annum.

Assistants to the Prothonotary to be appointed by him, *vide* section 3.

Three general clerks for making out all judicial writs and all records for trial at Nisi Prius, and all enrolments of the records in the civil side of the said court, and the transcripts of records for the Court of Error, and for that purpose the said three general clerks are to be allowed the reasonable assistance of copying, writing, and engrossing clerks, the remuneration of the said copying, writing, and engrossing clerks to be paid and satisfied out of the incidents of the said court, in the manner provided for by the Act, to which this Schedule is annexed. Salary to each of the said three clerks, £500 per annum; the said three clerks are not to make any charge under the name of agency, or otherwise either against the suitor or the attorney for, or in relation to, the preparing or making out any of the abovenamed writs, records, or enrolments.

A principal assistant clerk to assist in all the other business of the said principal officer, and particularly in all matters aforesaid relating to judgments. Salary, £500 per annum.

A second assistant clerk in the same business. Salary, £200 per annum.

Clerk of the Rules appointed by the Crown. He is to take down all the rules and orders in the civil side of the said court, as well those commonly called judicial rules, as those of any nature whatever; to enter, transcribe, and alphabet all such rules, and to furnish copies of them when required; and to do all such acts as properly belong to the said office. Salary, £800 per annum.

One assistant to said Clerk of the Rules to be appointed by him. Salary, £100 per annum.

Filacer and Clerk of Pleadings (appointed by the Crown). He is to receive, file, and keep all pleadings and affidavits, except those to ground marked writs; and he is also to receive, file, and keep all other documents required to be filed in his office, and not hereby expressly referred to; and he is also to furnish and attest copies, and give certificates of all the said matters when required, and to do all such other acts as properly belong to said office. Salary, £800 per annum.

One assistant to the Filacer who shall be appointed by him. Salary, £100 per annum.

Clerk of Writs, appointed by the Crown. He is to engross and issue writs of capias ad respondendum and subpœna, and to receive and file affidavits to ground marked writs; and to enter in a book to be kept by him for that purpose, all writs issued from or returnable into the said court; and to furnish certificates, and to furnish and attest copies of the said several matters; and to do all such other acts as properly belong to said office. Salary, £800 per annum.

Clerk of Appearances (appointed by the Crown). Salary, £200 per annum.

By Schedule D of said Act a Crier of the Court of Queen's Bench, acting as Crier of the Court of Exchequer Chamber, with a salary of £130 per annum; right of appointment in the Chief Justice. Seal Keeper, who was also Registrar of Attorneys' Licences, with a salary of £200 per annum; right of appointment in the Chief Justice.

The Prothonotary was also directed by the 5th section to retain and employ as many writing clerks as he should consider necessary to perform the duties of copying, writing, and engrossing.

The first Act which introduced any change subsequent to the Act 1st and 2nd George IV. chapter 53, was the 5th George IV. chapter 4, which empowered the Judges to increase the emolument of certain clerks and assistants, but did not make any alteration in the duties of the office. The Judges, however, of all the courts made an order, dated Easter, 1834, directing that all warrants on which judgments were entered should be filed in the offices of the respective courts, and books of index kept for the purpose of referring to said warrants. This practice has been continued to the present time, and has been found extremely useful. The Act of the 3rd and 4th Victoria, chapter 105, which was passed in 1840, empowered the holders of warrants of attorney, if they thought fit, to register said warrants or copies thereof previous to marking judgment within a certain number of days, and to require the officer of each court to register said warrant, and keep index books for the purpose of referring to said warrants. This practice has been continued to the present time, and the number of warrants filed in the court of Queen's Bench is considerable, amounting to 1,822. From the commencement of Act to present time, for this duty, the Master receives a fee of one shilling on each warrant. This continued to be the state of the Queen's Bench Office until the year 1844, when the Act 7th and 8th Vic. cap. 107, entitled an Act to regulate and reduce the expenses of the offices attached to the Superior Courts of Common Law in Ireland, payable out of the Consolidated Fund, was passed, which made a considerable change in the number of officers, and the nature of their duties which were defined by Schedule A of that Act, as follows:—The Master to exercise the general superintendence directed by this Act; to file and keep all pleadings, affidavits, and other documents requiring to be filed, and not hereby expressly referred to any other officer; to examine into, mark, and sign all judgments, assignments, satisfactions, revivals, and redocketing of judgments; to inquire and report upon all references; to strike special juries; to cause to be kept books containing proper entries of the marking, satisfaction, and assignment of judgments, and all such books as may be necessary for the due discharge of the business specially referred to him; to check the making of negative searches; and to sign the certificates thereof (until Parliament shall otherwise provide for the discharge of said duties), and all certificates respecting the matter hereby specially referred to him as his immediate business; to prepare or cause to be prepared all enrolments of the records in the civil side of the court; to cause all transcripts of records for trial at Nisi Prius, or for the Court of Error, to be examined and signed, and generally to do, or cause to be done, all official business whatever of or belonging to the offices of the court, which it is not the proper duty of the other officers to do. Salary £1,000 per annum. Principal Assistant to examine and sign records, enrolments, and writs after judgment, and to aid the Master in the business of marking satisfactions and assignments of judgments, and in all matters respecting judgments generally; and also, in pursuance of the 25th section of the Act, to act for the Master in his temporary absence: salary, £600 per annum. Clerk to aid him: salary, £100 per per annum.

SUPERIOR COURTS OF COMMON LAW, IRELAND.

Duties and Appointment of Officers.

Queen's Bench.

Arthur Bushe, Esq., Master of Queen's Bench.

PLEADING DEPARTMENT.

Pleadings Assistant to receive, file, and make copies of pleadings and documents, attest copies thereof, and to attend generally to all business connected therewith. Salary, £400 per annum. First clerk to aid him, £100 per annum. Second clerk to aid him, £80 per annum.

Record assistant to have the care and custody of the judgment rolls of the said court, and of the books of record containing entries of judgments, satisfactions, and assignments, and all matters relating thereto; to enter upon the roll the abstracts of satisfaction and assignments; to compile and number the rolls in correspondence with the entries relating thereto, so that they may be easy of reference; and to produce the same for public information within the hours fixed by the Master; to aid the Master in checking searches; and to do all such things as properly belong to his office. Salary, £400 per annum.

First Clerk, to make entries in books relative to judgments, £200 per annum.

Second Clerk, to aid as occasion may require, £100 per annum.

Clerk of the Rules to perform the present duties of his office, £600 per annum. Assistant, £350 per annum. Clerk, £100 per annum.

Several changes having been made in this department since the passing of the Act, a statement will be forwarded from the Clerk of the Rules setting out such change in detail.

Writ, Appearance, and Seal Department.

Clerk of Writs, Appearance, and Seal Department to enter and seal all writs that issue from and are returnable into the Court; to receive, file, and enter affidavits upon which fiats are granted to hold to bail; to receive, file, and enter appearances in a book to be kept for that purpose, as has been heretofore the practice of the Appearance Office; to receive and file affidavits; to ground Parliamentary Appearances; to seal all records and other documents requiring to be sealed according to the practice hitherto observed; to register in a book similar to that hitherto kept in the Seal Office Attorneys' licences; to furnish and attest copies of the said several matters; and to do all such acts as properly belong to said office, £600 per annum. Assistant, £200 per annum. Clerk, £100 per annum.

One clerk for general purposes as may be directed by the Master, £80 per annum.

An additional clerk for general purposes, who is not mentioned in the schedule, was appointed pursuant to the 13th section. Salary, £100 per annum.

The present Master, the present Principal Assistant, and the Clerk of the Rules were named in the schedule, and have continued to hold their offices up to the present time.

In the other departments changes have taken place in consequence of death, resignation, superannuation, &c., and the salaries of all the officers mentioned in the schedule, and in the schedules referring to the Common Pleas and Exchequer have been from time to time increased in compliance with certificates signed by the Judges, as detailed in a return already sent in, with the exception of that of the Master of the Queen's Bench, whose salary remains at £1,000 per annum. He receives, however, under the 5th section a sum of £384 12*s.* 3*d.* per annum, in order to make up the amount of salary received by him as Prothonotary. His official income, therefore, paid by the Treasury is the same as when he entered office in 1830, notwithstanding that the Chief Justice and two other Judges of the court certified that he ought to receive an increase of £200 per annum, in consequence of the additional duties imposed upon him by the recent Procedure Acts. It will be seen by comparing the schedule of the 1st and 2nd Geo. IV. cap. 53, with that of the 7th and 8th Vic. cap. 107, that several alterations were made by the latter statute, viz.:—the three officers called Clerks for general purposes, with salaries of £500 each, who were to be appointed by the Prothonotary were abolished; the officer called Filacer was abolished, and his department consolidated with that of the Master; and the offices of Seal Keeper and Clerk of the Appearances were abolished, and their departments were consolidated with that of the Clerk of the Writs.

The first change which took place in the business of the office was occasioned by the Act of 7th and 8th Victoria, chap. 90, which had the effect of abolishing the searching department in the Law Courts from and after the 1st November, 1845. Of the clerks and assistants employed in that department, some retired upon compensation allowance, and others were transferred to the office of the Registrar of Judgments.

By the Acts 11th and 12th Vic. chap. 120; 12th and 13th Vic. chap. 104; 13th and 14th Vic. chap. 129; and the Bankruptcy Consolidation Act, 12th and 13th Vic. chap. 107, which Acts are all subsequent to the 7th and 8th Vic. chap. 107, additional duties have been assigned to the Master, viz.:—the granting of special certificates to authorize the registration of judgments, Crown bonds, or recognizances; ditto of the satisfaction; cancelling, or vacating thereof, and the filing and entry of civil bill decrees for poor rates, to give the same the effect of judgments; and the registration of confessions and consents for judgment. For the performance of these duties, the Master in the Queen's Bench is remunerated by certain fees paid by the parties requiring such acts to be done. The Lords Commissioners of the Treasury undertook, by a letter bearing date 10th August, 1858, to convert these fees into stamp duties, and give the Master of the Queen's Bench £200 per annum in lieu of them, and as much more as he could show them to be worth; but this arrangement, although very desirable, has never been carried out. The next change of any importance was occasioned by the Act 13th Victoria, chap. 18, commonly called the Process and Practice Act, which equalized the business of the three courts by the introduction of a rotatory system of issuing writs, and consolidated the Writ, Appearance, and Seal Department of the three courts into one, *vide* sections 31, 32, and 33.

By the Common Law Procedure Acts of 1853 and 1856, additional duties of an important nature have been imposed upon the Master under these Acts. He holds inquiries to ascertain damages where judgment has gone by default, in discharge of which duties he has to take evidence, to hear counsel, and to empanel juries. With respect to the service of process, another important and responsible duty has been cast upon the Master and the Principal Assistants. By these Acts they have to inquire into the sufficiency of service before they permit judgment by default to be marked; and in the discharge of this duty they have frequently to decide upon questions which were formerly brought before the court by counsel upon motion to substitute service.

The 6th, 7th, 8th, 9th, 10th, and following sections of the 19th and 20th Vic. chap. 102, confer great power, and impose serious responsibility upon the Master, as it is competent to the court at any time after the issuing of a writ, or for a Judge at a trial in any complicated case of accounts, to refer the entire case to the Master to decide on all issues of law and fact; and the Master has frequently to try cases of a most complicated nature, involving matters of account, extending over many years; to decide upon questions of law and evidence arising out of such accounts; to hear counsel and examine witnesses; to decide upon their often contradictory testimony: and as he cannot in cases of this kind have the assistance of a jury, it is easy to perceive how onerous and responsible such a duty becomes. There are several other duties required of the Master by these Acts, but it would cause this report to run to too great a length to specify them all in detail. A recent Statute, 17th and 18th Vic. chap. 55, imposed a duty upon the Master of the Queen's Bench, which does not exist in the other courts, viz.:—the entry and registration of bills of sale, and the receipt of fees for searches for such bills of sale, for which the Master is bound to account to the Treasury, receiving as a remuneration for his trouble a fee of one shilling on each bill of sale lodged with him.

It comes within the scope of the inquiry as to the nature and extent of the duties of the officers of the law courts to state that, properly speaking, there is no vacation. The offices are closed by Act of Parliament seven days at Christmas, five days at Easter, two days at Whitsuntide, and on the birthday and day of accession of her Majesty and her successors, when they do not happen in term time. With these exceptions the Master or Principal Assistant must attend in person during the whole year, or appoint, with the sanction of the Chief Justice, a competent deputy, for whose acts they are responsible, and in case of whose illness they must return to their offices at any inconvenience, as there must always be on the spot some officer authorized to sign executions, &c., and do all such other acts as may be necessary.

As to the right of appointments, the Master and the Clerk of the Rules are appointed by the Lord Lieutenant, the present Principal Assistant was named in the Act, but in case of a vacancy the right of appointment is vested in the Master, pursuant to the Act 11th and 12th Vic. chap. 132, the Pleadings Assistant named in the schedule has died, and the Record Assistant has retired upon superannuation, and their places have been filled by the gentlemen next in seniority to them, pursuant to the Act. The right of appointment to the junior clerkships in each department mentioned in the schedule is in the Master, the officers called clerks for general purposes have no absolute right of rising to higher situations; but it has generally been the practice in cases of vacancy, to place them in one of the de-

Superior Courts of Common Law, Ireland.
Duties and Appointment of Officers.
Queen's Bench.
Arthur Bushe, Esq., Master of Queen's Bench.

Superior Courts of Common Law, Ireland.

Duties and Appointment of Officers.

Queen's Bench.

Arthur Bushe, Esq., Master of Queen's Bench.

partments mentioned in the schedule, so as to give them the opportunity of rising by rotation. It is also doubtful whether the clerk to aid the Principal Assistant has any right to promotion, as the Act 11th and 12th Vic. chap. 132, gives the Master under certain restrictions the power of selecting his Principal Assistant.

It is now proposed to call the attention of the Commissioners to a subject of deep interest to the Masters and officers of the law courts in Ireland, because having brought what they consider a hardship and a grievance under the notice of the Lord Lieutenant, they were informed by his Excellency that in his opinion the subject was deserving of attention; but that a Commission having been appointed for the purpose of inquiring into the state of the Irish Law Courts, it was not at that time considered expedient to legislate upon the subject. It appears to be the case, that the Master and officers of the law courts in Ireland are the only persons connected with the administration of justice who have no absolute right of retiring from office at any age, however great, or after any service, however meritorious or protracted. The Act of 7th and 8th Vic. chap. 107, brought for the first time the officers of the Irish Law Courts within the provisions of the 4th and 5th William IV., which provides superannuation allowances for officers retiring under certain conditions. In referring to this Act, however, it will be found that it only empowers officers to retire when disabled by ill-health, and with the sanction of the head of their department, which is required after even fifty years' service, although in that case medical certificates are dispensed with. It is the fact that the Registrar and other officers of the Court of Chancery, the Chairmen of Counties, the Judges of the Bankrupt and Insolvent Courts, and the Taxing Officers of the law courts, have each and all the power of retiring after serving a given number of years, on certain proportions of their salaries, amounting after twenty years' service to "two-thirds" of the full amount; whereas the Master and officers of the law courts are in this position, that except in the case of confirmed ill-health, they can never retire from their office unless they are prepared to sacrifice the whole of their official income.

The Masters, feeling some doubt as to their position under the recent Superannuation Act, 22nd Vic. chap. 26, laid a case before counsel, who stated his opinion to be, that under the Act they had no absolute right of retirement at any age, or after any period of service, however great. The Master also addressed a communication to the Treasury, inquiring whether in the event of their being allowed to retire under the Superannuation Act, they would be entitled to the benefit of the 4th section which empowers the Lords of the Treasury to add a number of years (not exceeding twenty) to the number of years actually served. The reply of the Lords of the Treasury was to the effect that the Masters and officers of the law courts in Ireland were not entitled to the benefits of the 4th section of the Superannuation Act. Upon the receipt of this communication the Masters, on the 15th November, 1861, addressed a letter to Sir R. Peel, of which the following is a copy:—

"Sir,—We, the Masters of the Courts of Common Law in Ireland, respectfully call your attention to our peculiar position, in not having the right of retirement from office after any given number of years' service. As far as we can ascertain, we are the only judicial officers in Ireland who have no right of voluntary retirement after any length of service, while the right of retirement after twenty years' service upon "two-thirds" of their salary, is enjoyed by all the officers of the Courts of Equity, the Assistant Barristers, and the Judges of the Bankruptcy and Insolvent Courts. Conceiving that the Superannuation Act, 22nd Vic. chap. 26, was intended to be applicable to our office, we addressed a communication to the Treasury, in which we requested information as to what would be our position in the event of our wishing to retire under the provisions of the Act 22nd Vic. chap. 26, and what number of years would be added to our actual time of service, under the 4th section of that Act.

"To that communication we have received a reply, a copy of which we enclose, stating in effect that the Lords of the Treasury are of opinion, that the Act of the 22nd Vic. c. 26, is not applicable to our offices, inasmuch as the schedule to that Act does not mention the Act regulating the law courts in Ireland, and that they have no power to extend to us the benefit of the 4th section.

"We conceive that it was not the intention of the Legislature to exclude our offices from the benefits of the Superannuation Act, which appears to be generally applicable to all branches in the civil service; and that the omission from the schedule of any mention of the Irish Law Courts Act was merely owing to inadvertency. We, therefore, feel justified in most respectfully begging you, as Chief Secretary for Ireland, to take the necessary steps to have the omission supplied, and our position under the Superannuation Act ascertained by legislative enactment.

"We think it better not to trouble you at present by entering more fully into the circumstances which give our case a claim to your consideration, which will be more conveniently done if you would kindly favour us with an interview; and we beg to be allowed the honour of waiting on you at any time that may suit your convenience.

"We have the honour to be, Sir, your obedient servants,

"Arthur Bushe, M.Q.B.
"Chas. G. Burke, M.C.P.
"Robt. Hitchcock, M.E.

"To the Right Honourable
Sir Robert Peel, Bart., M.P."

To this letter they, on the 26th of December, received the following reply:—

"Gentlemen,—I am directed by the Lord Lieutenant to acknowledge the receipt of your communication of the 16th ult., relative to your position as regards superannuation; and I am to acquaint you, that his Excellency has had the subject under his consideration, and feels that it is worthy of attention when the time shall arrive; but a Commission having been appointed for the purpose of inquiring into the Irish Law Courts, his Excellency does not think it would be expedient to legislate on the subject at present.

"I am, Gentlemen, your obedient servant,

"Thos. Larcom.

"The Masters of the Superior Courts
of Common Law in Ireland."

The Masters, therefore, have thought it due to themselves to bring their case before the Commissioners, and to request that their position as to the right of retirement may appear upon the face of the Commissioners' Report, in order that they may be placed on an equal footing with all other officers connected with the administration of justice.

(Signed), Arthur Bushe,
Master, Queen's Bench.

September 27, 1862.

Christopher N. Duff, Esq., Clerk of the Rules, Queen's Bench.

II.—3. Return of Christopher N. Duff, Esq., Clerk of the Rules in the Queen's Bench, Ireland, referred to in preceding return of Master Bushe.

The duties of the Clerk of the Rules and his assistant and clerks were regulated and defined by the Act of 1 and 2 Geo. IV. c. 53, and the Schedule A thereto annexed, and which duties were still required to be performed by the 7 and 8 Vic. cap. 107, and Schedule A thereto annexed.

"To take down all the rules and orders in the civil "side of said court, as well those commonly called "judicial rules as those of any nature whatsoever; to "enter, transcribe, and alphabet all such rules, and to furnish copies of them when required; and to do all such "other acts as properly belong to the said office."

In discharge of those duties the Clerk of the Rules has the care and custody of all the Rule, Court, and Office books, from the year 1717, with other matters hereinafter detailed, and is obliged, throughout the term, to be in attendance in Court from its sitting to its rising each day, and upon each of the Judges in their turn, each morning previous to the sitting of the full Court, upon the hearing of Chamber motions, and in Court to ad-

minister *vivâ voce* the several oaths and declarations to the several persons of various sects previous to and upon the day of their being called as barristers in the Court of Chancery, and thereupon causing them to subscribe the respective rolls for that purpose.

Performing the like duty upon the admission of all attorneys, having previously received and examined their respective petitions, affidavits, and certificates of qualification, and when sworn, causing them to subscribe the several rolls for that purpose, and giving to each a certificate thereof.

Performing the like duty to all other persons, when necessary to qualify, upon appointment to office, or for other purposes.

The qualifying in Court and Chamber of all persons tendered as bail at bar, or as security for costs, and seeing bail piece and recognizance duly and properly acknowledged and executed.

The swearing and taking of affidavits, affirmations, and declarations (in Court, in office, and elsewhere), necessary to be filed in the several causes depending in Court.

The granting of all side-bar rules in office, and previously examining the various documents required to warrant their issue.

The furnishing to each of the Judges of the Court a list containing the parties' names, the nature of the matter, and the names of the counsel and attorneys for each party, of all special cases, demurrers, bills of exception, special verdicts, and new trial motions; and also furnishing for daily publication during the term to the bar, the profession, and the public, the nature of the business to be proceeded with upon the following day, including therein all such general motions as either party may have given notice of to the other.

Attending upon the respective Judges of this Court when occasionally sitting in Chamber in vacation, and discharging the like duties as if in Court.

The receiving, filing, and keeping of the several Judges' notes, and reports of trials at the several assizes, in all cases where conditional orders are granted to set aside or change verdicts, and furnishing to each party, and to the Court, copies thereof.

The receiving and keeping of all reports called for by the order of the Court from the Master, Taxing Officers, &c.

The changes in the nature and extent of the duties of the Clerk of the Rules since his appointment under the 7 and 8 Vic. cap. 107, are as follows, viz.:—under the Act for the regulation of Municipal Corporations in Ireland, by the 194th section.

The table of fees to be taken by the Clerks of the Peace, and Registrars, and officers of Courts of Record and of Courts of Conscience are by said Act to be submitted to the Court of Queen's Bench for examination and confirmation, with such alterations, additions, or abatements as the Court of Queen's Bench shall think proper. Under this Act various duties devolve upon, and have been performed by the Clerk of the Rules, as the officer of the Court, upon the table of fees being so submitted.

9 and 10 Vic. cap. 64.—This enables courts of law in Ireland to give relief against adverse claims, and for protection of sheriffs (commonly called the Interpleaders Act). The various orders under this Act are numerous, special, and lengthy.

12 and 13 Vic. cap. 53.—For consolidating and amending the several laws relating to attorneys and solicitors in Ireland. There are several special and lengthy orders under this Act.

13 Vic. cap. 18, s. 47.—Under this Act the appointment of Commissioners for taking special bail in Ireland, and for taking affidavits in England, Ireland, and Scotland, &c., is vested in the Court of Queen's Bench *alone*, and imposes accordingly the following duties upon the Clerk of the Rules, viz.:—The receiving and examination of the applicant's memorial, the affidavits of applicant and his solicitor, and certificate or certificates of qualification from Queen's Counsel, members of the outer bar, merchants, and gentry; and when commission granted, to communicate with, and give instructions for the discharge of the duty to, and upon the appointment of each Commissioner.

The Clerk of the Rules has, likewise, from time to time to communicate with all Commissioners upon the Court's giving further directions for their guidance, and had so to do in the year 1860, amounting to nearly 600 in number. He is obliged also to keep a full record and index of all Commissioners.

13 and 14 Vic. cap. 60, and 15 and 16 Vic. cap. 55—Trustee Acts.—Upon appointment of new trustees by Court of Chancery, an application becomes necessary to obtain the order of this Court for liberty to change the party plaintiff in the judgment connected with the trust.

14 and 15 Vic. cap. 90—"Fines and penalties."—Under this Act the Judge's Registrar at Nisi Prius in Dublin, or Civil Court at Assizes, shall within seven days after the termination of sittings, or Assizes, certify to the Clerk of the Rules the particulars of all fines imposed upon jurors, and thereupon the Clerk of the Rules must, within seven days after, send a letter by post to each person, addressed to his residence, informing him of the imposition of such fine, and that if not paid within thirty days he will issue his warrant for the levy of the same. He is also obliged to keep a book prescribed by said Act, and to account with the Chief Secretary when required.

This duty, previous to the abolition of the equitable jurisdiction of the Court of Exchequer, appertained to the Chief and Second Remembrancer of that Court, and was afterwards, by the said Act of 14 and 15 Vict., transferred to the Clerk of the Rules of each Court, and who now perform the duty, and receive no remuneration therefor.

16 and 17 Vic. cap. 113.—Consequent upon the change of practice caused by the passing of this Act, and the rules of the twelve Judges framed thereunder, certain office or side-bar rules ceased to exist; but such cessation bears no proportion to the substitute in practice of special orders herein specified. By this Act the Clerk of the Rules is likewise directed to receive the petitions, affidavits, and consents in all minor and lunatic cases, and thereupon to give liberty by rule for the appointment of next friend or guardian. He also keeps a file of the several documents, and a book of reference thereto; and under section 102, and Rule 74, if the parties cannot agree to issues, to be tried between them, the Clerk of the Rules is obliged to issue a summons for each of the parties to attend upon a given day before a Judge at Chamber, and upon that day he likewise attends the Judge, takes notes of all alterations; and when fully settled and agreed to, he takes down an order thereon, and when issues are engrossed by the party, he compares and certifies same previously to their being filed. He also keeps a book of reference thereto, containing the parties' names, venue, Judge before whom settled, date of summons and of settlement, &c.

Section 238.—The Judges of either Court may do business depending in any of the Courts, as well in term as in vacation, and to transact in Chamber or elsewhere such business as relates to matters over which the Courts have a common jurisdiction. Under this section chamber sittings are holden regularly upon two days in each week during the vacation throughout the year, save from 1st August to 20th October (and then regularly once a week), the Judges taking week about, each in their turn, and upon whom the Clerks of the Rules are obliged to be in constant attendance during their sittings, frequently from eleven in the morning until six in the evening. This duty, previously to the passing of the Act of 13 Vic. cap. 18, was confined to each Court, and the Judges thereof, whose sittings were but occasionally held.

General Rules pursuant to foregoing Act.

By Rules 50, 51.—All books for the Judges for argument of demurrers, special cases, special verdicts, bills of exceptions, &c., are directed to be lodged with the Clerk of the Rules for examination, and with him to remain for two days for inspection by the opposite party, and then to be by him set down for argument, listed, and delivered to the Judges.

67.—Copies of pleadings of *nul tiel record*, together with a statement of the points to be relied on by counsel, must be furnished to the Clerk of the Rules

Superior Courts of Common Law, Ireland.

Duties and Appointment of Officers.

Queen's Bench.

Christopher N. Duff, Esq., Clerk of the Rules, Queen's Bench.

on the day before that fixed by rule, for the inspection thereof.

111.—The indentures of apprenticeship to attorneys are directed to be enrolled and certified by the Clerk of the Rules, and who keeps a book for that purpose.

144.—All commissions for taking affidavits and special bail are directed to be enrolled with and by the Clerks of the Rules previously to the Commissioner acting thereunder, and who keep books for the purpose of enrolment and reference.

154 and 155.—Where any defendant shall be brought up under any writ of habeas corpus, to be committed to custody of the Marshal, and upon due notice given to the Clerk of the Rules and the Marshal, the Clerk of the Rules shall attend, and commit him under all writs under which he may be detained, the full particulars of such committal to be entered by him in a book directed by said rule, and kept for that purpose.

158.—Cases from a Court of Equity, and under Common Law Procedure Act, section 92, are directed to be made up, lodged with, and delivered by the Clerk of the Rules, in like manner as directed by Rule 50.

17 and 18 Vic. cap. 34.—Under this Act, to enable Courts of Law in England, Ireland, and Scotland to issue process to compel the attendance of witnesses out of their jurisdiction, an application to the Court becomes necessary.

17 and 18 Vic. cap. 55.—Application for liberty to enter satisfaction upon bills of sale, and which are confined to Queen's Bench.

17 and 18 Vic. cap. 102.—An Act to consolidate and amend the laws relating to bribery, treating, and undue influence at elections of Members of Parliament, an application to the Court is necessary for liberty for Auditor to lodge money in Court.

19 and 20 Vic. cap. 102.—An Act to further amend the procedure in and to enlarge the jurisdiction of the Superior Courts of Common Law in Ireland. This Act gives an equitable jurisdiction to the Courts of Law, and which they never had before, and the applications thereunder are various and numerous.

20 and 21 Vic. cap. 43.—Appeal from Magistrates, when party not satisfied with decision. Under this Act the appeal is forwarded to the Clerk of the Rules, after which books are made up for the Judges, set down and delivered in like manner, as prescribed by Rule 50.

22 and 23 Vic. cap. 63, s. 1.—Application to ascertain the law administered in one part of Her Majesty's dominions, when pleaded in the Courts of another part thereof, the same course pursued as under Rule 50.

Section 2.—Upon opinion being pronounced, copies thereof, duly certified by officer, to be given to each of the parties when required.

23 and 24 Vic. cap. 4, s. 10.—An Act to enable the Commissioners of Her Majesty's Treasury to defray one moiety of the expense of annual revision of valuation of rateable property in Ireland out of Consolidated Fund. Under this Act, by 10th section, Chairman of Quarter Sessions to state case for the opinion of the Court, the same course pursued under this Act as under Rule 50.

24 and 25 Vic. cap. 43, and 25 Vic. cap. 23.—Under these Acts no party can appear and defend the action without previously obtaining liberty from the Court upon application, and such application may be made at any time throughout the year, notwithstanding the Common Law Procedure Act of 1853.

With the foregoing return, the Clerk of the Rules most respectfully adds the following observations:—

First.—That consequent upon the change of practice caused by the passing of the Act of 16 and 17 Vic. cap. 113, certain rules and orders then issued from the office in practice ceased; but such cessation bears no proportion in point of labour, and increase of the duties of the Clerk of the Rules caused thereby, and which are further increased by the Act of 19 and 20 Vic. cap. 102, attaching the equitable jurisdiction to the Courts of Law.

Second.—That the office of Clerk of the Rules in Ireland is much more arduous, onerous, and responsible, and the duties to be discharged by him much more numerous than the similar department immediately connected with the Court of Queen's Bench in England; and this will appear by the following return, viz.:—

Amount of business done in the Rules Department of Queen's Bench in England and Ireland, for the year 1860:—

In England.

In banc.,	.	495 orders.
Hand motions,	339	,,
Side-bars,	. 735	,,
	1,569	

In Ireland.

In banc.,	.	622 orders.
In Chamber,	. 618	,,
Side-bars,	. 586	,,
	1,826	

Thus the business (irrespective of the many and various other duties performed by the Clerk of the Rules in Ireland, and which do not appertain to the similar office in England) is greater in Ireland, and yet the remuneration to the Irish office is but half that allowed the English office. At the same time the Clerk of the Rules does not deny the fact, that the number of rules and orders in the Queen's Bench, England, far exceeds that of Ireland, but the excess over the amount above specified is the duty of a separate staff of clerks, at Judges' chambers.

In conclusion, he further begs leave to add that his salary is £400 less per annum than that of the officer performing the corresponding duties in the English Courts, £700 less than the Registrars of the Court of Chancery in Ireland, £200 less than the Assistant Registrar of that Court, and £200 less than the Registrars of the Probate and Landed Estates Courts.

He would also, with great respect, call the attention of the Commissioners to the fact that the right of appointment of the junior clerk in his office (although previously in the Clerk of the Rules), is, by the Act of 7 and 8 Vic., vested in the Master, although the Clerk of the Rules is responsible for the conduct of the business of his department.

(Signed), Christopher N. Duff.

II.—4. Return as to Duties and Appointment of Officers. Charles Granby Burke, Esq., Master of the Court of Common Pleas, Ireland.

Common Pleas.
Charles Granby Burke, Esq., Master of the Common Pleas.

Return to 1st and 2nd Requisitions.

The Act 7th and 8th Vic. cap. 107, regulates the business of this office. The Master, his Principal Assistant, the Pleadings Assistant, Record Assistant, Clerk of the Rules, and his Assistant, are bound to take all affidavits (in causes in this Court) in Dublin, and a circuit of ten miles round.

The schedule to that Act prescribes the nature, and for the most part, defines the extent of the duties performed by myself and each officer under me, namely:—

Principal Department.

The Master.—To exercise the general superintendence directed by this Act; to file and keep all pleadings, affidavits, and other documents requiring to be filed, and not hereby expressly referred to any other officer, to examine into, mark, and sign all judgments, assignments, satisfactions, and revivals of judgments; to entertain and report upon all references; to strike special juries; to cause to be kept books containing entries of the marking, satisfaction, and assignments of judgments, and all such books as may be necessary for the due discharge of the business specially referred to him; to sign all certificates respecting the matters hereby specially referred to him as his immediate business; to prepare, or cause to be prepared, all enrolments of the records of the Court; to cause all transcripts of records for trial at Nisi Prius to be examined and

signed; and generally to do, or cause to be done, all official business whatsoever of or belonging to the offices of the Court, which it is not the proper duty of the other officers to do.

Additional duties imposed on the office of Master, viz.:—Granting certificates to authorize registration and satisfaction of judgments, and orders by 11th and 12th Vic. cap. 120, and 12th and 13th Vic. cap. 104; also the custody of civil bill decrees for poor rates brought up from Civil Bill Courts, by 12th and 13th Vic. cap. 104.

It is also the Master's duty to examine candidates for admission into this Court as attorneys, by the 13th and 14th Geo. III. c. 23.

And to preserve and file confessions and warrants in pursuance of 3rd and 4th Vic. cap. 105, and the 20th and 21st Vic. cap. 60.

To 3rd Requisition.

By the Common Law Procedure Acts of 1853 and 1856, viz.:—16th and 17th Vic. cap. 113, and 19th and 20th Vic. cap. 102, and by general orders having the force of law, certain judicial duties have been assigned to the Master, viz., adjudicating on the sufficiency of service of process, prior to judgment by default, against parties within the jurisdiction. This was formerly a Court motion.

The duty of assessing damages with aid of a jury in all County and City of Dublin judgments by default, where damages are unliquidated, and (if the Court so order), in all such judgments, irrespective of venue, has been cast upon the Master; also the duty of arbitrations, &c. Cause may be also shown on a Judge's order before the Judge or Master in debt attachments.

Principal Assistant.—To examine and sign records, enrolments, and writs after judgment, and to aid the Master in the business of marking satisfaction and assignment of judgments, and in all matters respecting judgments generally; in addition to which, he has to act for the Master during his temporary absence, by the provisions of the 25th section of 7 & 8 Vic. c. 107.

Clerk.—To aid him.

Pleadings Department.

Pleadings Assistant.—To receive, file, and make entries of pleadings and documents, to attest copies thereof, and to attend generally to all business connected therewith.

The statutes by which duties are imposed are the 7th and 8th Vic. cap. 107, 13th Vic. cap. 18, 13th and 14th Vic. cap. 29, 16th and 17th Vic. cap. 113, 19th and 20th Vic. cap. 102, 24th and 25th Vic. cap. 43, 25th Vic. cap. 23, and General Orders of 1854.

Return to 3rd Requisition.

Duties imposed since 1844.—By 13th Vic. c. 18—To receive and file all writs returned by sheriffs, writs of inquiry, and Scire Facias. By 13th and 14th Vic. c. 29—To receive and file affidavits to register judgments, as mortgages, and give attested copies of same. By 16th and 17th Vic. c. 113—To receive and file all affidavits of service of summons and plaint. To receive and file abstracts of issues.

First Clerk.—To aid him.

Second Clerk.—To aid him: appointed by Treasury Minute of 1852, in consequence of the equalization of the business of the three Courts.

Record Department.

Record Assistant.—To have the care and custody of the records and judgment rolls of said Court, and of the Books of Record, containing entries of judgments, satisfactions, and assignments, and all matters relating thereto; to enter upon the roll the abstracts of satisfactions and assignments; to compile and number the rolls in correspondence with the entries relating thereto, so that they may be of easy reference, and to produce the same for public information within the hours fixed by the Master; to aid the Master in checking searches; and to do all such acts as properly belong to his office.

The custody of the fines and recoveries, and remembrance rolls and records of the Palatine Court of Tipperary, peculiar to the Court of Common Pleas, is given to the Record Assistant of this Court. (The fines were formerly in the custody of the Chirographer, and recoveries in custody of Prothonotary.)

Their care involves the rare knowledge of the obsolete Latin court-hand on the part of my Record Assistant, and those in his department, whose duty requires them to decipher and translate those old records.

First Clerk.—To make entries in books relating to judgments.

Second Clerk.—To aid, as occasion may require.

Rules Department.

Clerk of the Rules.—To perform the present duties of the office, and also the duties hitherto performed by the Clerk of the Recoveries, in respect to recoveries or the acknowledgment of deeds by married women, and to take recognizances and administer the oaths to all persons requiring to be sworn in open court.

The duties connected with the deeds executed by married women are steadily on the increase, and form part of a jurisdiction peculiar to this Court.

Moreover, the Clerk of the Rules is involved in correspondence in carrying out the fining of jurors, under the provisions of 14th and 15th Vic. cap. 90.

Under the General Orders of 1854, the Clerk of the Rules has to keep a committal book and fiat book, and other books, eleven in number, which demand constant work and attendance.

Return to 3rd Requisition.

A large increase of duty has been placed on the Clerk of the Rules by the Acts 16th and 17th Vic. cap. 113, and 25th Vic. cap. 23, namely—attending on the settlement of issues before a Judge, and comparison and certificate of issues when settled; a constant attendance on the sittings in Chamber, which occur at least twice a week in all other vacations, and at least once a week throughout the long vacation.

Assistant.

Clerk to Clerk of the Rules, appointed by Treasury Minute of 1850, to equalise the staff of each Court.

First Clerk for general purposes.

Second Clerk for general purposes.

Return to 4th Requisition.

The right of appointment of the officers (the Master and Clerk of the Rules), vests in the Lord Lieutenant, by virtue of the 7th and 8th Vic. c. 107. All appointments have been made under this Act.

The right of appointment of Principal Assistant vests in the Master, subject to qualification of 11th and 12th Vic. cap. 132.

The Assistants and Clerks rise by gradation in their departments, by virtue of 7th and 8th Vic. cap. 107, sec. 7, except in the anomalous case of the Clerk to the Principal Assistant, who, with most responsible duties, has no prospect of increased position or pay.

The right of appointment of Junior Clerks, and of the servants attached to the offices, vests in the Master.

In addition to the officers named in the schedule, there are attached to this Court, by virtue of 7th and 8th Vic. cap. 107, three Writing and Enrolling Clerks, whose occupations are of an important kind, and whose skill is essential to the public good. The senior was appointed by my predecessor in 1843; the other two by me in 1858 and 1859 respectively. On representation of the responsible nature of their duties, the Lords of the Treasury in 1852 awarded to two of them £50 each per annum, over and above their emoluments per folio.

In 1852, by Treasury Minute, and in consequence of the Judges' certificate of that year insisting on the justice of the claim of officers of this Court to have equal assistance for duties equalized, by operation of the Process and Practice Act of 1850 (13 Vic. cap. 18), a Second Clerk for general purposes was added to the staff of this office.

(Signed), Charles Granby Burke.

Common Pleas Office, 12th Sept., 1862.

II.—5. Return as to the Duties and Appointment of Officers. R. Hitchcock, Esq., Master of the Court of Exchequer in Ireland.

1 and 2.—*The nature and extent of the duties performed by the Master of the Court of Exchequer in Ireland, and each officer under him; and the statutes, warrants, orders, or other authority by which such duties are imposed:—*

The duties of the officers in the pleas or common law side of the Court of Exchequer in Ireland, and their assistants and clerks, were regulated and defined by the Act of 7th and 8th Vic. c. 107, and the Schedule C thereto annexed, as follows, viz.:—

Principal Department.

The Master.—To exercise the general superintendence directed by the said Act; to file and keep all pleadings, affidavits, and other documents requiring to be filed, and not expressly referred to any other officer; to examine into, mark, and sign all judgments, assignments, satisfactions, revivals, and redocketings of judgments; to entertain and report upon all references, to strike special juries, to cause to be kept books containing proper entries of the marking, satisfaction, and assignment of judgments, and all such books as may be necessary for the due discharge of the business specially referred to him; to check the making of negative searches, and to sign certificates thereof (until Parliament should otherwise provide for the discharge of such duties), and all certificates respecting the matters specially referred to him as his immediate business; to prepare, or cause to be prepared, all enrolments of the pleas or common law side of the court; to cause all transcripts of records for trial at Nisi Prius or for the Court of Error to be examined and signed; and generally to do, or cause to be done, all official business whatever of or belonging to the offices of the court not the proper duty of the other officers of the court to do.

Principal Assistant (with the aid of one Clerk).—To examine and sign records, enrolments, and writs after judgment, and to aid the master in the business of marking satisfaction and assignment of judgments, and in all matters respecting judgments generally.

Pleadings Department.

Pleadings Assistant (with the aid of two Clerks).—To receive, file, and make entries of pleadings and documents, to attest copies thereof, and to attend generally to all business connected therewith.

Record Department.

Record Assistant (with the aid of two Clerks).—To have the care and custody of the judgment rolls of the Court, and of the books of record containing entries of judgments, satisfactions, and assignments, and all matters relating thereto; to enter upon the roll the abstracts of satisfactions and assignments; to compile and number the rolls in correspondence with the entries relating thereto, so that they might be easy of reference, and to produce the same for public information within the hours fixed by the Master; to aid the Master in checking searches, and to do all such acts as properly belong to his office.

Rules Department.

Clerk of the Rules (with the aid of two Assistants).—To perform the duties of the office as existing at the time of the passing of the said Act, that is to say (as set forth in the former regulating Act, 1st and 2nd Geo. IV. c. 53), to take down all rules and orders on the pleas or common law side of the Court of Exchequer, whether those commonly called judicial rules, or of any nature whatsoever; to enter, transcribe, and alphabet all such rules, and to furnish copies of them when required; and to do all such acts as properly belong to the said office, the same duties as are performed by one of the Masters in England.

3. *The changes, if any, in the nature or extent of the duties to be performed by each officer in the office since his appointment:—*

Since the passing of the said Act of 7th and 8th Vic., additional duties have been assigned by statute to certain of the officers as follows, such changes having taken place since the appointment of the said officers respectively.

By the Acts of 11th and 12th Vic. c. 120; 12th and 13th Vic. c. 104; and 13th and 14th Vic., c. 29, certain additional duties were assigned to the Master, viz.:—The granting of special certificates to authorize the registration of judgments, crown bonds, or recognizances, rules, orders, &c., and of the satisfaction, cancelling, or vacate thereof; and the filing and entry of civil bill decrees for poor rates to give the same the effect of judgments.

By the Act of the 13th and 14th Vic. c. 51, transferring the equitable jurisdiction of the Court of Exchequer to the Court of Chancery in Ireland, it was enacted that all the duties theretofore performed by the officers of the equity side in respect to revenue business should, from and after the 1st day of August then next, be discharged by the Master and other officers, and the assistants and clerks of the pleas side of the said court, in like manner and in addition to the duties specifically assigned to their offices respectively by the said Act of 7th and 8th Vic., each officer, assistant, and clerk discharging such of the said duties in revenue business as are of a like nature with the duties discharged by him under the said Act, and that the Master should perform all such duties as were theretofore performed by the officers of the equity side of the court in respect to matters not transferred to the Court of Chancery, or otherwise specially provided for. Under this enactment the Master has to perform for the several public departments that sue in the name of the Crown duties analogous to those formerly performed by the officers in the courts of law between subject and subject. All Crown business having been excepted from the operation of the Process and Practice Act, the forms, practice, and procedure at the revenue side of the court are wholly different from those in use at the law side, and the responsibility of preparing the proceedings remains with the officer.

By the same Act the Master is also required to perform all such duties in respect to Sheriffs' accounts as were theretofore performed by the Chief Remembrancer. The Revenue Office is, therefore, a distinct as well as an additional branch of the Masters' offices. It is the depository of all pleadings, proceedings, and records in Crown cases, of Crown bonds and recognizances, Sheriffs' appointments and accounts, and all other matters relating to Sheriffs, and a great variety of important documents which are in constant requisition.

In addition to these duties, the said Act of 13th and 14th Vic. has cast upon the Master the care and custody of a vast accumulation of important and valuable ancient records previously in the custody of different officers on the equity side of the court, which are in frequent requisition, and involve great responsibility.

The duties so transferred are discharged by the Master, with the aid of his assistants and clerks, and by the Clerk of the Rules, according to the directions contained in the said Act of 13th and 14th Vic.

The duties assigned to the Clerk of the Rules under the said Act, in addition to those theretofore performed by him, are as follows:—

The entry of all rules in causes at the revenue side of the court, and those in connexion with the accounts under the Legacy and Succession Duty Acts, and the crown business of the revenue, irrespective of causes; the care and custody of the Revenue Rule Books, the swearing in of attorneys, the filing and entry of all affidavits and documents, and keeping of the books connected therewith, the taking down minutes at hearings of equity revenue causes, enrolling the decrees thereof, as formerly performed by the Registrar at the equity side of the court, and the enrolling of apprentices' indentures.

By the Common Law Procedure Acts of 1853 and 1856, duties of an important nature, in addition to his former duties, have been cast upon the Master. Under these Acts he holds inquiries to ascertain damages when

Superior Courts of Common Law, Ireland.

Duties and Appointment of Officers.

Court of Exchequer.

R. Hitchcock, Esq., Master of the Court of Exchequer.

judgment has been obtained by default, in discharge of which duties he has to take evidence, to hear counsel, and to empanel juries. With respect to the service of process, another important and responsible duty has been imposed upon the Master and principal assistant by these Acts; they have to inquire into the sufficiency of the service before they permit judgment by default to be marked; and in the discharge of this duty they have frequently to decide upon questions which formerly were brought before the court by counsel in the shape of motions to substitute service.

Under this Act the Clerk of the Rules, in addition to his former duties, attends the settlement of issues, and compares and certifies them. Under the provision enabling the Judges of all the courts to transact in chamber the business of each court, he attends on each of the Judges of the three courts at their chamber sittings, which duty extends over the whole year, irrespective of terms, and including the long vacation.

The Clerk of the Rules has had also since his appointment cast upon him, by the Act of 14th and 15th Vic. c. 90, the duty of levying and enforcing by warrant all fines imposed upon jurors at the Nisi Prius sittings and assizes, making entries, and accounting with the Chief Secretary for the amount of the fines received by him.

4.—*The statutable or other authority under which each appointment in the office was made, and the person in whom the right of appointment is vested:—*

Of the present officers, assistants, and clerks of the Court of Exchequer, the following were named and appointed in and by the Act of 7th and 8th Vic. c. 107:—The Master, the Record Assistant, and his first Clerk, and the Clerk of the Rules and his Assistant. All the other offices in the several departments have been filled under the authority and according to the provisions of the said Act of 7th and 8th Vic. c. 107, except the office of Principal Assistant, which has been filled according to the special provision made by the Act of 11th and 12th Vic. c. 132, which enacts, that when and so often as a vacancy shall occur in the office of Principal Assistant to the Masters of the Superior Courts of Common Law in Ireland, it shall be lawful for the Master of each court to select and appoint from amongst the assistants and clerks then employed in the office under his superintendence such person as he may deem best fitted to be the Principal Assistant to the Master; and as soon as the Commissioners of Her Majesty's Treasury for the time being shall have signified in writing their approval of the selection and appointment made by the Master, and not before, the person so selected and appointed shall be the Principal Assistant to the Master, as created and described in the Act of 7th and 8th Vic. c. 107.

The right of appointment to the offices of Master and Clerk of the Rules is vested in the Lord Lieutenant by the Act of 7th and 8th Vic. c. 107. The right of appointment to the office of Principal Assistant is vested in the Master, subject to the limitation as to selection and approval above mentioned. As to the right of appointment to the other offices or clerkships, by the provisions of the said Act of 7th and 8th Vic. c. 107, the assistants and clerks in the several departments have the right of progressive advancement, but each within his own department only, by gradation according to seniority to the office above them, including the head office of the particular department, except in the instances before mentioned, of the Masters. The Clerk of the Rules and the Principal Assistant, and also the Clerk immediately under him, who is excluded from the general right of progressive advancement to the office above him, by the enactment which regulates the selection and appointment of the Principal Assistant. The right of appointment to the junior clerkships in each department is vested in the Master.

(Signed), R. Hitchcock,
Master of the Exchequer.

Exchequer Office, Dublin,
4th September, 1862.

Consolidated Writ and Seal Office.

William MacDougall, Esq., Clerk of Writs.

II.—6. Return as to Duties and Appointment of Officers. William MacDougall, Esq., Clerk of Writs.

1. *The nature and extent of the duties performed by yourself and each Officer under you in the Writ and Seal Office Ireland.*

The staff in my office consists of four persons, viz., the Clerk of Writs and three assistants.

The duties performed are those appointed by the Act of 7 and 8 Vic. c. 107 (1844), for the then three Clerks of Writs of the Superior Courts, viz:—

To enter and seal all writs that issue from and are returnable into any of the Superior Courts of Law, to receive, file, and enter affidavits upon which fiats are granted for writs to hold to bail, and to furnish and attest copies of such affidavits; to seal all records and other documents requiring to be sealed, and to register attorneys' licences, and (since the Act of 16 and 17 Vic., cap. 113, 1853), to seal and enter the particulars of all writs of summons and plaint issued from the three Courts.

These duties are performed in common by the Clerk of the Writs and his assistants.

2. *The Statutes, Warrants, Orders, or other authority, by which such duties are imposed or regulated.*

7 and 8 Vic., c. 107 (1844)—see Schedules: 13 Vic., c. 18 (1850), secs. 31 and 32: 16 and 17 Vic., c. 113 (1853), sec 8.

3. *The changes (if any) in the nature or extent of the duties to be performed by each officer in the office since his appointment.*

By the schedules to the Act of 7 and 8 Vic., c. 107 (1844), certain duties are prescribed in reference to the entering of appearances which, since the operation of the Act of 16 and 17 Vic., c. 113 (1853), have become unnecessary, but by the same Act (1853), the duty of sealing and entering writs of summons and plaint was imposed.

These changes have taken place during the tenure of office by the first and second assistants, but were previous to the appointment of the Clerk of the Writs and third assistant.

4. *The statutable or other authority under which each appointment in the office was made, and the person in whom the right of appointment is vested.*

The Act of 13 Vic., c. 18 (1850), sec. 33, provides for this.

The Lord Lieutenant appoints the Clerk of Writs.

The three Masters of the Superior Courts, or any two of them, with the approbation of the three Chief Judges, or any two of them, have the right to appoint to vacancies in senior clerkships from amongst the junior clerks in the office.

The three Masters, or any two of them, have the right to appoint the junior clerk.

The present Clerk of the Writs and all the present assistants were appointed under this clause of the Act.

(Signed), William MacDougall,
Clerk of Writs.

Consolidated Writ and Seal Office,
8th October, 1862.

II.—7. Return as to Duties and Appointment of Officers. Edward Howell Scriven, Esq., Registrar of Judgments, &c., Ireland.

Officers.	1. *The nature and extent of the duties performed by the Registrar, and each Officer under him, in the Registration of Judgments Office, Ireland.*	2. *The Statute, Warrants, Orders, or other authority by which such duties are imposed or regulated.*	3. *The changes, if any, in the nature or extent of the duties to be performed by each Officer in the Office since his appointment.*	4. *The Statutable or other authority under which each appointment in the Office was made, and the person in whom the right of appointment is vested.*
Edw. Howell Scriven, Esq., Registrar.	To attend daily in the office; to superintend the business thereof; to sign certificates of searches and all other certificates issuing from the office; to superintend the clerks; to mark memorandums of vacates and satisfactions on the entry of the registry of recognizances, crown bonds, judgments, orders, and lis pendens, &c., when required, and issuing certificates thereof when so marked in the books of the office; to pay the several disbursements of the incidental expenses, and furnish accounts thereof quarterly to the Treasury; and to attend to many other minor matters connected with the due management and working of the office which require unremitting daily personal attendance.	7 and 8 Vic. c. 90, ss. 22, 23; 11 and 12 Vic. c. 120, secs. 1, 2, 3, 4, 9, 10, 11, 12, 13; Order, Court of Chancery, dated 3rd January, 1849; 12 and 13 Vic. c. 104, s. 17; 12 and 13 Vic. c. 107, s. 113; 13 and 14 Vic. c. 89, s. 18; 13 and 14 Vic. c. 74, secs. 1, 3, 10, 12; 13 and 14 Vic. c. 29, secs. 3 and 4; Treasury Minute of 15th April, 1856; like, 4th January, 1861	The staff provided by the Act constituting the office, was found insufficient, and under the 28th section of said Act, the Lords Chief Justices, with the sanction of the Treasury, provided five additional clerks, four of whom held appointments in the Law Courts, which appointments were abolished; and subsequently these persons, with two others, were, by the Treasury Minute of 15th April, 1856, formed into the present staff, with increased and progressive salaries, and promotions as vacancies shall occur. *Additional Duties,* Subsequent to Act constituting the office, viz.:— Recording negative searches in parchment books, and signing certificate thereof at foot of each search before issued; to keep indexes of recorded negative searches; to give copies of recorded negative searches; to give certificates of the registry of judgments, and of all other memorandums left for registry, as also certificates of any entry in the books of the office; to keep books for re-docketing recognizances and crown bonds; to alter and amend entries in the office books when ordered by the several Courts; to subscribe memorandums of satisfactions and vacates on registry of judgments and recognizances, crown bonds, lis pendens, &c., and issue certificates thereof; to re-register judgments, decrees, lis pendens, &c., every five years.	7 and 8 Vic. c. 90, s. 22; the Lord Chancellor, Lord Chief Justice, the Master of the Rolls, Lord Chief Justice of Common Pleas, Lord Chief Baron, or majority of them.
Mr. Wm. V. R. Ruckley, First Assistant or Chief Clerk.	To attend daily, and make entries in the several books directed to be kept; to receive all documents left for registry, and the fees payable thereon; to examine each document and see that it is conformable to the particular provision of the statute authorizing its registry; that the proper stamp duty is affixed thereon; that such document is signed by the proper officer of the Court from which it is issued; to enter these documents in a daily memorandum book, with a consecutive number to each, and hand them over, when so entered, to the index clerks, to be placed in alphabetical order on the registry books; to have the certificates of the registry signed by the Registrar, and handed over to the proper parties; to prepare the accounts of incidental expenses and quarterly returns to the Treasury and Paymaster-General of Civil Services; to assist generally in the despatch of business of the office, under the direction of the Registrar.	7 and 8 Vic. c. 90, s. 22, and Treasury Minute of 15th April, 1856.	The like changes and additional duties stated in the above, in reference to the Registrar.	7 and 8 Vic. c. 90, secs. 22, 23; the Lord Chief Justices, &c. He having filled an office with similar duties, abolished by said Act.

[*continued.*

II.—7. Return as to Duties and Appointment of Officers. Edward Howell Scriven, Esq., Registrar of Judgments, &c., Ireland—*continued.*

Officers.	1. *The nature and extent of the duties performed by the Registrar, and each Officer under him, in the Registration of Judgments Office, Ireland.*	2. *The Statutes, Warrants, Orders, or other authority by which such duties are imposed or regulated.*	3. *The changes, if any, in the nature or extent of the duties to be performed by each Officer in the Office since his appointment.*	4. *The Statutable or other authority under which each appointment in the Office was made, and the person in whom the right of appointment is vested.*
Mr. Geo. P. Christian, Second Clerk.	Searching in the books of the office and marking on the entries of the registries of judgments, recognizances, crown bonds, decrees, and lis pendens, the memorandums of satisfactions, vacates, and cancellations, and attending on, and pointing out to the Registrar, for his inspection and signature, the several places when so marked, entering the particulars of same in a book kept for that purpose, before delivery to the parties lodging the certificates; correcting errors in the books, under the orders of the different Courts; and from time to time, as occasion may require, assisting the other clerks when overpressed with business.	7 and 8 Vic. c. 90, s. 28; Treasury Minute of 15th April, 1856.	The duties extended from searching to the marking off the satisfactions, vacates, &c., from the period when this business was added to the office by the 10th sec. of 11 and 12 Vic. c. 120.	7 and 8 Vic. c. 90, s. 28; the Lord Chief Justices, and sanction of the Lords of the Treasury.
Mr. Robert Cathrew, Third Clerk.	To enter the several memorandums of judgments, decrees, recognizances, crown bonds, &c., left for registry, in alphabetical order in the registry books; compare such entries, and place the memorandums when entered and compared in regular order for subsequent reference, and assisting generally the several other clerks as occasion may require.	7 and 8 Vic. c. 90, s. 22, and Treasury Minute of 15 April, 1856.	The position of this clerk was changed by said Treasury Minute.	Appointed as second assistant under the 7 and 8 Vic. c. 90, s. 22; the Lord Chief Judges, &c.
Mr. James Brady, Fourth Clerk.	Like duties with the second clerk; searching and marking off satisfactions of judgments, vacates of crown bonds and recognizances, and cancellations, and correcting errors in the books, under the orders of the different Courts, the Chancery and Law Courts; and from time to time assisting the other clerks as occasion may require, when overpressed with business.	7 and 8 Vic. c. 90, s. 28, and Treasury Minute of 15 April, 1856.	The duties extended from searching to the marking off satisfactions, &c., from the period when this business was added to the office.	7 and 8 Vic. c. 90, s. 28; the Lord Chancellor, the Lord Chief Judges, &c.
Mr. Barry Murphy, Fifth Clerk.	Attending the writing department; to compare the searches with the searching clerks' memorandums and the parchment record books; to answer the public generally with respect to the searches; hand out the searches when complete, and take receipts previous to being taken away.	7 and 8 Vic. c. 90, s. 28, and Treasury Minute of 15 April, 1856.	There has been no change in the duties of this clerk since his appointment.	Like.
Mr. William O'Callaghan, Sixth Clerk.	Like duties as the third clerk; entering in alphabetical order the several memorandums left for registry, comparing, &c., &c.	Like.	There has been no change in the duties of this clerk since his appointment.	Like.
Mr. Jeremiah Winder, Writing Clerk.	To copy searches from the memorandums furnished by the searching clerks, in a fuller and more extended form; to record the negative searches in parchment books; to compare all previous to being delivered out to the parties requiring them; and to make copies of searches from the record when required, which obliges an attendance long before and after the usual office hours.	13 and 14 Vic. c. 74, s. 1.	There has been no change with this clerk since his appointment.	13 and 14 Vic. c. 74, s. 1; and the Registrar of Judgments, with sanction of the Lord Chancellor.
Mr. Austin D. Cooper, Writing Clerk.	Like duties.	Like.	Like.	Like.
Mr. William Scriven, Searching Clerk.	To make negative and common searches, paid according to quantity of work—one shilling for every twenty years, or fractional portions of twenty years. This employment obliges an attendance long before and after the usual office hours.	7 and 8 Vic. c. 90, s. 23.	There has been a very considerable diminution in the emoluments of the searching clerks, by the operation of the 13 and 14 Vic. c. 29, s. 3, and 11 and 12 Vic. c. 120, s. 13, limiting the period of searching. The quantity of work is still the same, but the term of years by which the payment is regulated is decreased; and instead of having searches bespoke, as they were prior to the passing of these Acts, embracing two or three periods of twenty years, the searches now are limited to one period of twenty years for crown bonds and recognizances, and five years for judgments, &c.	7 and 8 Vic. c. 90, s. 23; and the Registrar of Judgments.
Mr. Michael Thomas Flood, Searching Clerk.	Like duties.	Like.	Like. This clerk filled a like office in the Law Exchequer, previous to his appointment in this office.	7 and 8 Vic. c. 90, s. 23; and Registrar of Judgments.
Mr. Edward B. Scriven, Keeper of Office Books.	To attend the public, and hand out the books for searching on receipt of a stamped certificate, without the lodgment of which no search is permitted; to place back the books in regular order; and to see the presses and doors are locked each day after office hours.	Treasury Minute.	No change in duties since appointment.	Registrar of Judgments, with sanction of the Treasury.

(Signed), E. H. SCRIVEN,
Registrar of Judgments.

September 10, 1862.

II.—8. Return as to Duties and Appointment of Officers. Henry Colles, Esq., Principal Taxing Officer, Common Law Taxing Office.

1. *The nature and extent of the duties performed by the Taxing Master and each officer under him in the Common Law Taxing Office, Ireland.*

The duties of the office are to tax all bills of costs of or for any business of a civil nature of or in any of the Superior Courts of Common Law, or of any proceedings at Nisi Prius in or issuing out of any of the said law Courts respectively.

And also all bills of costs of and in the Court of Error or the Exchequer Chamber, and of and in the Court of Appeal, and also all bills of costs for or relating to all such business of conveyancing as shall be in anywise connected with any such business of the said Courts respectively.

And also all costs of registering judgments and deeds in the Registry Office for the registry of deeds and judgments respectively.

And also of all actions and proceedings connected with the revenue and excise, which, previous to the passing of the Act of 13 and 14 Vic. c. 51, were taxed by the officers attached to the equity side of the Court of Exchequer.

These duties are performed by the two taxing officers.

The duties of the clerk of this office are to issue summonses for the taxation of costs; to make out the lists for the officers; to examine all bills of costs after taxation and before issuing a certificate, and to see that no queries or errors are on the face of them; and to keep the books and preserve the records of the office.

2. *The Statutes, Warrants, Orders, or other authority by which such duties are imposed or regulated.*

The statutes by which these duties are imposed and regulated are—

1 and 2 Geo. IV. c. 53.
7 and 8 Vic. c. 107.
13 and 14 Vic. c. 51.
16 and 17 Vic. c. 55.
Common Law Procedure Act, 1853.
Common Law Amendment Procedure Act, 1856.

The general orders made by the taxing officers, and confirmed by Judges in November, 1844.

The general orders of 1834.
General orders of January, 1854.
General orders of February, 1854.
General orders of January, 1856.
General orders of November, 1857.

3. *The nature and extent of the duties to be performed by each officer in the office since his appointment.*

The entire construction of the office, as created by the Act of 1 and 2 Geo. IV. c. 53, was altered by the Act of 7 and 8 Vic. c. 107, and a new arrangement made; but after an effort to carry on the business of the office under the latter Act, it was found impossible to accomplish the public business, and a new arrangement was made by the Act of 16 and 17 Vic. c. 55.

As the office now stands the only change made in the duties to be performed by the officers is that an appellant jurisdiction has been cast on the principal officer, who must adjudicate on every question before the Courts of Law will hear any appeal thereon.

4. *The statutable or other authority under which each appointment in the office was made, and the person in whom the right of appointment is vested.*

The appointment of the principal officer was made under the Act 7 and 8 Vic. c. 107.

Confirmed by 16 and 17 Vic. c. 55.

The appointment of the assistant officer was made under the Act 16 and 17 Vic. c. 107.

The appointment of the Record Clerk was made under the Act 16 and 17 Vic. c. 107.

The right of appointment to these three offices is vested in the Lord Lieutenant.

(Signed), Henry Colles.

Common Law Taxing Office,
Four Courts, Sept. 5, 1862.

II.—9. Return as to Duties and Appointment of Officers. Thomas R. Crawford, Esq., Clerk of the Errors, Court of Exchequer Chamber, Ireland.

1. *Return showing the nature and extent of the duties performed by the Clerk of the Errors, and each Officer under him in the Office of the Court of Exchequer Chamber.*

The duties of the Clerk of the Errors, in his office, are:—To receive and cause to be received, and entered, all documents lodged in Error and Appeal cases; to cause lists of all cases for hearing to be prepared and delivered to the Judges each Term; to take the directions of The Lords Chief Justices to fix the sittings of the Court, and to cause summonses to be prepared and issued to the several other Judges to apprize them thereof; to attend the sittings of the Court, and take down the rules, orders, and judgments in all such cases; to cause to be prepared, and to sign orders, judgments, and copies of affidavits, writs of mandamus, and copies of all rules, orders, enrolments of judgments, or other documents required in these cases; to transmit all transcripts of records in Error to the House of Lords; to receive transcripts of records and judgments from the House of Lords; to cause same to be recorded and transmitted with mandamus to the Court below.

To receive and enter appeals from decisions of Assistant-Barristers in Parliamentary franchise cases; to take The Lords Chief Justices' directions for the hearing of same; to cause public notices to be prepared and posted of the time so fixed, and to cause summonses to be prepared and delivered to the Judges to hear said appeals; to attend the sittings of the Court, and take down the rules and orders made in such cases; to cause notices of same to be prepared for transmission to the several Clerks of the Peace, Sheriffs, and other Returning Officers, to whom the same should be given, and to sign same, and to act generally as the Master of the Court.

The duties of the Assistants in the office are, to receive all books lodged in Error and Appeal cases, and to deliver same to the several Judges; to assist in receiving, and to enter all notices, and other documents lodged in Error and Appeal cases; to prepare, each Term, and deliver to the several Judges, lists of the cases for hearing, &c.; to prepare and deliver the summonses from time to time to the several Judges; to assist at the sittings of the Court; to prepare all rules and orders, &c., and copies of same and enrolments of judgments; to prepare writs of mandamus; to receive transcripts of records for the House of Lords; to enter the error thereon, and the transmission of same; to enter receipt of transcripts and judgments from the House of Lords, and the reversal or affirmance of the judgment of the Court of Exchequer Chamber, and to enrol and lodge the same in the Court below.

To assist in receiving and entering appeals from Assistant-Barristers' decisions in franchise cases; to prepare and have posted public notices of the time fixed for the hearing of such appeals, and writing letters to the several attorneys engaged therein; to prepare the several lists; to receive the books lodged in these cases, and to deliver same to the Judges; also to prepare and deliver summonses to the several Judges apprizing them of the time so fixed for the hearing of said appeals; to assist at the sittings of the Court; to prepare all rules, orders, and notices of orders, and copies thereof for signature, and to transmit same, with letters of instructions, to the several parties to whom they should be given, and receiving letters and writing further letters of instructions in reply thereto, relative to such orders and notices; also giving information and instructions to parties intending to come before the Court in Error and Appeal cases, which they all say they cannot obtain in any other quarter.

Superior Courts of Common Law, Ireland.

Duties and Appointment of Officers.

Exchequer Chamber.

Thomas R. Crawford, Esq., Clerk of the Errors.

2. *The statutes, warrants, orders, or other authority by which such duties are imposed or regulated.*

The several duties stated are imposed under the Act of the 1 Geo. IV. c. 68, the General Rules or Orders relating to the Law Courts, the Acts of the 13 and 14 Vic. c. 69, the 16 and 17 Vic. c. 113, the 19 and 20 Vic. c. 113, and the necessity of having the duties properly attended to and performed where no specific directions have been given.

3. *The changes, if any, in the nature or extent of the duties to be performed by each Officer in the Office since his appointment.*

Since the appointment of the Clerk of the Errors the Common Law Procedure Act of 1856, which gives an appeal on special cases and from orders on new trial motions, and also error upon an award of a trial *de novo* in the Courts below, has increased the duties to be performed by all the Officers, and the business of the Court also very considerably; and since the appointment of the Assistants, in addition to the above Act, the Act of the 13 and 14 Vic. c. 18, and the Parliamentary Voters Act of the 13 and 14 Vic. c. 69, which imposed new, and frequently heavy, duties upon all the Officers, without any additional salary or other remuneration whatever, for such new and additional duties, although an increase of salary is almost invariably granted to the Officers of the other Law Courts when any additional duties are imposed upon, or required, of them.

4. *The statutable or other authority under which each appointment in the office was made, and the person in whom the right of appointment is vested.*

The Clerk of the Errors was appointed by Letters Patent under the Act of 40 Geo. III. c. 39, and his Assistants were appointed many years ago by the late Clerk of the Errors, and which appointments were sanctioned by the Lords of the Treasury.

The Assistants were always appointed by the Clerks of the Errors, who alone exercised the right of appointment.

The Clerk of the Errors begs leave respectfully to submit to the Commissioners that the salary paid to him is not equal to the respectability and duties of his office, and is not more than is paid to some of the junior clerks in the other Law Courts.

As to the Assistants, the Clerk of the Errors begs leave also to submit, that Mr. MacDonough, upon whom considerable labour and many responsible duties also devolve, states that he is at a considerable loss in his former income, having lost, among other matters, a sum of fifty guineas a year since the middle of 1855, which was theretofore, by ancient usage, paid to him in the office; and that by desire of the Lord Chief Justice, to whom he referred, and of the Lords of the Treasury, he made his case known to them, and claimed an additional remuneration, as is usual in such cases, for his services; but nothing has yet been done for him. And the Clerk of the Errors begs to say, that Mr. MacDonough is not sufficiently paid for his services, and to recommend him to the favourable consideration of the Commissioners.

(Signed), THOMAS R. CRAWFORD,
Clerk of the Errors.

13th November, 1862.

Superior Courts of Common Law, Ireland.

Duties and Appointment of Officers.

Exchequer Chamber.

Thomas R. Crawford, Esq., Clerk of the Errors.

Registrar Consolidated Nisi Prius Court.

Thomas Courtenay, Esq., Registrar, &c.

II.—10. RETURN as to DUTIES and APPOINTMENT of OFFICERS. THOMAS COURTENAY, Esq., Registrar Consolidated Nisi Prius Court.

The nature of my duties require constant daily attendance at my office, Four Courts, by myself and assistant, to receive and enter in books kept for that purpose, all abstracts of records and appeals brought in for trial during the several terms; to supply information to the public and the profession; to prepare lists of the causes entered for trial each day; to attend the sittings of the Court from half-past ten o'clock, A.M., until its rising, which is frequently at a late hour in the evening; to call over and swear jurors and witnesses; to prepare issue papers (which, under the Common Law Procedure Act, sometimes run to a great length); to enter in the Court Book the decision or finding in each case; to make up the posteas on all records tried, and upon which judgment obtained in four days from the day of trial, peculiar to this Court; to tax and ascertain the costs in all appeal cases, and to settle the affirmances and reversals,—this being the Court of Appeal from all the Courts of Inferior Jurisdiction in the City and County of Dublin.

While attending the sitting of the Court, my office must be kept open, attended by an assistant, for the receipt and entry of each succeeding day's business.

By a General Order of the twelve Judges, bearing date the 18th January, 1862, the certificate of counsel formerly required, in order to enable parties to have their causes tried in the Consolidated Nisi Prius Court, is abolished, and the jurisdiction of the Court considerably enlarged, which has tended to increase the business and the duties to be discharged.

The average number of causes (records and appeals) entered on the books for trial, and disposed of in each term, by trial or settlement in Court, is about seventy.

Such is the nature and extent of the duties performed by me and my assistant in relation to the Consolidated Nisi Prius Court, but by the statute appointing me Registrar (the only officer of the Court,) 21st and 22nd Vic., chap. 52, I am also required to attend as Registrar upon a Junior Judge of each of the three Law Courts when the Chief Justices or Chief Baron shall require assistance in disposing of the Nisi Prius causes entered for trial, at the after-sittings in their respective Courts. This duty I am constantly called upon to discharge for the Court of Exchequer, and occasionally in the Queen's Bench and Common Pleas, which involves the necessity for employment of additional assistants. My salary and allowance for assistants is only £400 per annum.

No. 2. The 13th and 14th Vic., chap. 18, sec. 29; 16th and 17th Vic., chap. 113, sec. 236; and 19th and 20th Vic., chap. 102, sec. 5, are the statutes imposing and regulating the duties in relation to this Court, then discharged by the Registrars of the three Chief Judges; but by the 21st and 22nd Vic., chap. 52, which recites "That it had been found inconvenient to have such duties discharged by three different officers, and that it was expedient to appoint one permanent Clerk of Nisi Prius for said Court to discharge the duties thereof so imposed upon the said Registrars, as aforesaid." I am by said Act appointed such permanent Registrar of said Court, and to perform the further and additional duties under 19th and 20th Vic., chap. 102, sec. 5.

General Order of 18th January, 1862, increasing Jurisdiction of the Court, annexed.

No. 3. No charges or fees received for any duties discharged.

No. 4. The Crier of the Court is appointed by the Judges, and paid £100 a-year by the Master of the Court of Queen's Bench, pursuant to Treasury Letter, dated 13th November, 1851, and charged in account of incidents.

The Court-keeper, also appointed by the Judges, receives a salary of £50 a-year and £10 for expenses, paid rateably by the Masters of the three Law Courts, and charged in account of incidents.

There is no other officer, save such assistants as the Registrar may find it necessary to appoint, and who must be paid by him.

I beg to annex a certificate, signed by the Judges, expressive of their opinion that the salary is inadequate for the discharge of the duties, and providing competent and requisite assistants, and to observe that there is no officer connected with the administration of the Law in Ireland, having any responsible duties to perform, so badly paid.

(Signed), THOS. COURTENAY,
R.C.N.P.C.

Nov. 12, 1862.

Registrar Consolidated Nisi Prius Court.

Thomas Courtenay, Esq., Registrar, &c.

"GENERAL ORDER IN RELATION TO THE CONSOLIDATED NISI PRIUS COURT.

"18th January, 1862.

"That no certificates of counsel shall be requisite in order to enable plaintiffs to have cases coming within the terms of the 237th section of the Common Law Procedure Act (1853) tried in the Consolidated Nisi Prius Court for the future; and that, in addition to the cases specified in that section, all cases may be tried in that Court which shall be ordered to be tried therein by any of the three Superior Courts of Common Law, or by any Judge of any of such Courts. Provided, however, that nothing in this Order contained shall be deemed to interfere with the discretion of the Judge sitting in that Court to postpone the trial of any case to the after sittings, on his being satisfied that it cannot be conveniently tried in the Consolidated Nisi Prius Court.

"(Signed),

"Thomas Lefroy, Ch. J. — William Keogh.
James Henry Monahan. — J. Christian.
D. R. Pigot, C.B. — James O'Brien.
N. Ball. — E. Hayes.
F. A. Fitzgerald.
Henry George Hughes.
J. D. Fitzgerald.
R. Deasy."

"Having regard to the duties to be performed by the Registrar of the Consolidated Nisi Prius Court during the terms, and the increasing business of that Court, with the enlarged jurisdiction given to it by a recent General Order, as also the further duties cast upon that officer, and performed by him, of attending upon a Junior Judge of each of the three Superior Courts of Common Law, when required by the Chief Justices or Chief Baron, to assist in disposing of the Nisi Prius causes entered for trial at the after sittings:

"We are of opinion that the salary fixed by the Act of Parliament, 21st and 22nd Vic., chap. 52, is inadequate for the discharge of such duties, and the providing competent and requisite assistants.

"(Signed)

"Thos. Lefroy, Ch. J. — William Keogh.
J. Christian.
D. R. Pigot, C.B. — James O'Brien.
N. Ball. — E. Hayes.
F. A. Fitzgerald.
Henry George Hughes.
J. D. Fitzgerald.
R. Deasy."

Superior Courts of Common Law, Ireland.
Duties and Appointment of Officers.
Registrar Consolidated Nisi Prius Court.
Thomas Courtenay, Esq., Registrar, &c.

Thomas Courtenay, Esq., Registrar to the Lord Chief Justice.

II.—11. Return as to Duties and Appointment of Officers. Thomas Courtenay, Esq., Registrar to the Lord Chief Justice.

Thomas Courtenay, Esq., Registrar to the Lord Chief Justice.

Registrar's Office, Queen's Bench,
February 17, 1863.

Sir,—In reply to your letter of the 10th February instant, calling for certain returns in relation to the duties performed by me, as Registrar in Dublin to the Lord Chief Justice, I beg to state, for the information of Her Majesty's Commissioners for Inquiring into the Superior Courts of Common Law in England and Ireland,

1. That the duties require my attendance at the Office (Four Courts) allotted for the Registrar of the Chief Justice for the time being, for several days prior to the Nisi Prius Sittings, appointed after each Term, to receive dockets and abstracts of all records common and special, intended to be entered for trial at such after-sittings. To prepare lists for the Government printer (which lists, when printed, are posted and circulated for the information of the public). To enter in a court-book kept for that purpose, all such cases.

To fill in the issues (sometimes numbering so many as twenty-eight, ten being a fair average) in the paper intended for the jury, on which the verdict is found. To call over and administer to all jurors and witnesses the proper oath or affirmation. To mark all documents and exhibits given in evidence in the cause. To enter up the finding of the jury on the several issues, and to make up the posteas on the abstract or record, for signature of the Chief Justice, which, when completed, is filed in the pleadings department of the Court as preliminary to the judgment being marked thereon. To make returns to the proper officer of all jurors fined at the after-sittings.

It frequently occurs that judgment on the postea is stayed when points saved, or on other grounds; and the Registrar, or his clerk assistant, must attend constantly at the office for days after, as well as before each of the after-sittings, to receive communications from the parties, and to supply necessary information to the public.

It is also the duty of the Lord Chief Justice's Registrar to act as Secretary, to convene all meetings of the Judges, to reply to all letters and correspondence on public matters connected with the court or the suitors.

2. 1st & 2nd Geo. IV., c. 53; 1st & 2nd Wm. IV., c. 31; 14th and 15th Vic., c. 90; 17th & 18th Vic., c. 125, sec. 29.

By this latter statute very important duties devolve upon the Registrar, as to the ascertainment of the stamp duty upon all documents requiring stamps, purposed to be given or read in evidence on the trial, and the making of certain returns to the Stamp-Office in relation thereto.

3. Previous to the passing of the Act 21st & 22nd Vic., c. 52, it was the duty of the Registrar to the Lord Chief Justice, and of the Registrars of the Lord Chief Justice of the Common Pleas and the Lord Chief Baron, to attend in turn and discharge the duties of Clerk at Nisi Prius, in the Consolidated Nisi Prius Court, during the Terms, and also to attend upon and provide competent assistants when the Chief Justices or Chief Baron called in aid the assistance of a Puisne Judge or Baron, to assist in disposing of the lists of causes entered for trial at the after-sittings of their respective Courts. Manifest inconvenience arose from this practice, as the Registrar could not possibly attend in two places at the same time, and these important duties are now discharged by the Registrar of the Consolidated Nisi Prius Court, appointed by said Act 21st & 22nd Vic. c. 52.

4. The Statutes are already given under query No. 2. Previous to the 1st and 2nd Geo. IV., c. 54, the office of Registrar was paid by receipt of certain fees; that Act abolishes such fees, and settles the remuneration of the Registrar at £75 of the late Irish currency for each after-sitting.

The Registrar only holds his office at the pleasure of the Chief Justice. It is a very important office for the profession and the public, requiring a person of experience and standing to discharge its duties; and there is no reason why it should not be placed upon the same footing as the same office in England, which by the 15th & 16th Vic. c. 73, sec. 9, is made permanent, with a fixed salary, and provisions for Clerk's assistant.

I am, Sir, your obedient servant,
(Signed,) Thomas Courtenay.

W. N. Hancock, Esq., Secretary.

Henry J. Monahan, Esq., Registrar to the Chief Justice of the Common Pleas.

II.—12. Return as to Duties and Appointment of Officers. Henry J. Monahan, Esq., Registrar to the Chief Justice of the Common Pleas.

Henry J. Monahan, Esq., Registrar to the Chief Justice of the Common Pleas.

5, Fitzwilliam-square, East,
Dublin, February 16, 1863.

Sir,—I have the honour to acknowledge the receipt of your letter of the 10th inst.

1. In reply to your first query, I beg to state that there are, during the year, after each term, Nisi Prius after-sittings, for the trial of records, issues from Chancery, &c.; and of these four after-sittings, three are (if the business should so require) to consist of twenty-four clear days each, while one, that after Easter Term, consists of six clear days.—(1st and 2nd William IV., cap. 31.)

Four clear days before the first day of each after-sittings, all dockets of abstracts of records must be lodged with the Registrar, at his office, who then makes out a list of the cases for trial; which list is printed and posted in the hall of the Four Courts as soon as possible, for the convenience of the public. Each day, during the sittings, the Registrar makes out a separate day-list of those cases that are to be called on the day following. It is the duty of the Registrar to call on the cases in the list, to ballot for and swear the jury, to swear the witnesses, to mark with the name of the cause the documents given in evidence, and on the conclusion of

Superior Courts of Common Law, Ireland.

Duties and Appointment of Officers.

Henry J. Monahan, Esq., Registrar to the Chief Justice of the Common Pleas.

each case to make up the postea on the back of the record. This postea, when signed by the Judge, the Registrar files in the Common Pleas Record office.

The Registrar has a Court book, in which he enters the cases, the verdict, and any order that may have been made in the case during the trial. It is the duty of the Registrar to furnish the Clerk of the Rules with a list of all the jurors fined during the sittings for non-attendance, the amount of fine, and the residence and position or trade of each juror so fined, in order that the Clerk of the Rules may levy the fine—14th and 15th Vic., cap. 90.

Additional duties have of late years been imposed upon the Registrar, in consequence of recent changes in the stamp laws, (17th and 18th Vic., cap. 125, sec. 29); but a detailed account of these will be more properly given in answer to your third query than here.

Though, as I have above stated, the attendance of the Registrar in Court is required during only thirteen weeks of the year, yet it is necessary, for the convenience of the public, that the Registrar, or some one representing him, should attend at his office in the Courts almost every day, to receive necessary communications from attorneys, and to answer inquiries and correspondence. The Registrar, therefore, keeps a clerk, who attends in his office every day during office hours. There is no provision made for clerks for Registrars, therefore the Registrar himself is obliged to pay the salary of this clerk.

2. In reply to your second query, I beg to state that the office of Town Registrar to the Chief Justice of the Common Pleas was remodelled and placed on its present footing by the 1st and 2nd Geo. IV., cap. 53. Under this Act I hold the office of Registrar; and in my answer to your first query I have referred to the Acts under which the duties therein mentioned are imposed and regulated.

3. In reply to your third query, I beg to state that the following duties with reference to the Stamp Acts have (since my appointment) been imposed upon the Registrar by the 17th and 18th Victoria, cap. 125, sec. 29. When any document is offered in evidence at a trial, which, by law, requires a stamp, it is the duty of the Registrar to see that the document is sufficiently stamped, or if it should be unstamped, or insufficiently stamped, to call the attention of the Judge to the matter; and on the Judge deciding that the document requires a stamp, and that it may then be stamped on payment of a penalty to receive from the plaintiff's or defendant's attorney, as the case may be, the amount of stamp and penalty, to give to the attorney a receipt for same, and to transmit this money and a return of how it was levied to the Comptroller-General at the Custom House. The performance of these duties requires the Registrar to be acquainted with the various stamp laws.

The Statute 21st and 22nd Victoria, cap. 52, has, since my appointment, relieved the Registrar from attending every third term in the Consolidated Nisi Prius Court, and also from providing a clerk of Nisi Prius for any puisne judge requested by the Chief Justice to assist in disposing of the Nisi Prius list. These duties were, for the first time, imposed upon the Registrar (who, before that time, had to attend as Registrar to the Chief Justice for three days only each term, to dispose of short cases), by the Common Law Procedure Acts, 1853 and 1856; but no additional emolument was provided as a compensation for the new duties then for the first time introduced. This anomaly was put an end to, and Registrars replaced on nearly their original footing by the above Act, 21st and 22nd Victoria, cap. 52.

4. In reply to your fourth query, I beg to state, that formerly the Registrar was paid by fees, but by the 1st and 2nd Geo. IV., cap. 54, these fees were abolished, and in lieu thereof the Registrar receives the sum of £75 Irish currency, as his salary for each after-sitting.

The Registrar holds his office during the pleasure of the Chief Justice, from after-sittings to after-sittings only. The office of Clerk of Nisi Prius in England, corresponding to that of Town Registrar to the Chief Justice of the Common Pleas, Ireland, was, by the 15th and 16th Victoria, cap. 73, sec. 9, made permanent, with a fixed salary, and a provision for the appointment of clerk's assistant.

I have the honour to be, sir,
Your obedient servant,
(Signed), HENRY J. MONAHAN,
Registrar to the Chief Justice, C.P.

To William Neilson Hancock, Esq.,
Secretary, Law and Chancery Commission.

Official Establishments.

Form of Circular.

III. CIRCULAR as to COMMON LAW PRACTICE and PROCEDURE, and as to ESTABLISHMENTS of the COMMON LAW COURTS, addressed to the CLERKS of the RULES of the Three Superior Courts of Common Law in Ireland.

FORM of CIRCULAR.

Law and Chancery Commission,
Four Courts, Dublin, December 10, 1862.

SIR—I am directed by Her Majesty's Commissioners for inquiring into the Superior Courts of Common Law and the Courts of Chancery in England and Ireland to forward to you a copy of the statement respecting Common Law Practice and Procedure, and the differences therein, prepared for the Commissioners by Messrs. Jellett and Holland, and to state that the Commissioners desire to receive from you any observations respecting the practice and procedure in the Common Law Courts in Ireland, and the working of the offices thereof, and any suggestions that may occur to you for their improvement, by assimilating the same to the practice of the similar offices in England or otherwise; and also, any observations that may occur to you in relation to the establishments of the corresponding Courts in England and Ireland.

Your obedient servant,
(Signed), W. NEILSON HANCOCK,
Secretary.

To ———

Answers as to Official Establishments of Common Law Courts.

Henry Yeo, jun., Esq., Clerk of the Rules, Court of Exchequer.

IV.—1. ANSWER of HENRY YEO, jun., Esq., Clerk of the Rules in the EXCHEQUER in IRELAND, to preceding CIRCULAR, so far as relates to Establishments of the Common Law Courts.

Exchequer Office,
Dublin, 31st December, 1862.

* * * * * * *

I now come to the working of the offices, and the establishments of the Law Courts in England and Ireland.

Assuming that a change is made in the practice and procedure in Ireland by the adoption of the English system in all its principal features, it occurs to me that an assimilation also of the mode of transacting business in the offices of the Courts should follow; and as I am aware that the Commissioners have been furnished with the details of the duties performed by each officer of the Law Courts in Ireland (to which I beg leave to refer) I shall not further specify those duties than to notice the differences which exist in the establishments in England and Ireland.

The offices of the Law Courts *in England* are constituted by the 1st Vic., c. 30; and the officers of the

* The first part of this communication, relating to Practice and Procedure, was published in Appendix A to the First Report of the Commissioners, p. 135.

Nisi Prius courts, and the Judges' clerks, are appointed under the 15th and 16th Vic., c. 73.

In Ireland the offices are regulated by the Law Courts Act (7 and 8 Vic., c. 107), and the 13th Vic., c. 31. The Nisi Prius clerks are appointed under the 1st and 2nd Geo. IV., c. 54, and 21 and 22 Vic., c. 52.

In England there is but one office in each Court (ss. 3 and 12), consisting of five Masters, upon whom all the business of the Court and offices devolve; and the staff of clerks is regulated by the Chief Justice or Chief Baron of the Court.

In Ireland the office duties are performed by the Master and his assistants and clerks, and the Court and Chamber duties by the Clerk of the Rules and his assistant and clerk. There are three several departments or subdivisions in the Master's office.

In England the Masters of the three Law Courts tax all law-costs indiscriminately, under regulations by the Judges, directed to be made (1st Vic., c. 30. s. 23), to insure the despatch of business and uniformity in the allowance of costs.

In Ireland this duty is performed by distinct officers, under the 16th and 17th Vic., c. 55, namely (sec. 2):—One Principal Taxing Officer, one Assistant Taxing Officer, and one Clerk.

In England all writs of summons are issued from the Master's office.

In Ireland there is a Consolidated Writ, Appearance, and Seal Office (13 Vic., c. 18), for the entering and sealing of all writs issued out of the three Courts. The statute referred to abolished the separate Writ, Appearances, and Seal Office for each Court, under the 7th and 8th Vic., c. 107.

In England the Masters hold inquiries of damages, by order of a Judge, in cases where the amount sought to be recovered is substantially a matter of calculation.

In Ireland the Master has the same power in like cases, and may also try the case on affidavit, and if any fact be controverted, may ascertain the damages by a jury (Common Law Procedure Act, Ireland, 1853, s. 98); and this provision is further extended by the 101st section of the same Act, by virtue of which the Master may summon a jury to assess the amount of damages, though not a matter of calculation;—in Dublin venues, without any order of the Court; in country venues, by order of the Court or a Judge.

There is no similar power in the Masters in England; such inquiries are held there before the Sheriff.

In Ireland, in the Exchequer, the duties of the officers of the Equity side of the Exchequer, in respect of revenue business, were transferred by the 13th and 14th Vic., c. 51, s. 19, to the officers of the law side of that Court discharging duties of a like nature, and are now performed by them. Further, by the 21st section, the Master is required to audit sheriffs' accounts; and by the 13th section, the records and books relating to revenue business in the Chief-Remembrancer's Office are consigned to his care; the Rule Books to the Clerk of the Rules. The Clerk of the Rules also attends the Court as Registrar in all equity revenue cases, and takes down and enters the minutes of decrees, &c.; and in his office is transacted the business connected with the Legacy and Succession Duty Acts.

In England the revenue business of the Exchequer is discharged in the Queen's Remembrancer's Office, under the 5th Vic., c. 5, s. 15; and a staff of officers for the performance of the duties is authorized to be created by the 5th and 6th Vic., c. 86.

In Ireland all fines on jurors in civil cases, whether imposed in Dublin or at the assizes, are levied and accounted for by the respective Clerks of the Rules of the three Courts (14 and 15 Vic., c. 90).

In England, I am informed, this duty is discharged in the Queen's Remembrancer's Office.

In England the duty of attending the Judge at Chambers, taking down and issuing the orders made, is performed by the clerks of the particular Judge who sits.

In Ireland the Clerks of the Rules of the three Courts attend the Consolidated Chamber Court, and also the Judges of their respective Courts, and the orders are entered and issued in their respective offices.

In England the Masters are appointed by the Lord Chief Justice or Lord Chief Baron of the Court in which the vacancy occurs, and hold their offices during good behaviour. The clerks are appointed by a majority of the Masters in each Court, and hold their offices during pleasure (1st Vic., c. 30).

In Ireland the Master and Clerk of the Rules are appointed by the Lord Lieutenant of Ireland (7 and 8 Vic., c. 107, s. 7), and hold their appointments during good behaviour; and the vacancies in the offices of the assistants and clerks (except the principal assistant, who is selected by the Master from amongst all the assistants and clerks, 11 and 12 Vic., c. 132, s. 8), are filled up by the assistant or clerk next in seniority *in each department;* and the junior clerk *in each department* is appointed by the Master. The assistants and clerks likewise hold their appointments during good behaviour.

In England the Nisi Prius duties are performed by Associates (15 and 16 Vic., c. 73, s. 3), and are nominated by the Chief Judge of the Court.

In Ireland the same duties are performed by the respective Clerks of Nisi Prius (1 and 2 Geo. IV., c. 54; and 21 and 22 Vic., c. 52), who are also nominated by the Chief Judge.

Thus, it will be seen that a great difference exists in the working of the offices, and in the establishments, of the two countries.

By the present arrangement of the offices in Ireland there are nominally four, but practically five, distinct departments in each Court, namely: the Master's, the Clerk of the Rules', the Principal Assistant's, the Record Assistant's, and the Pleadings Assistant's, the effect of which is to occasion considerable inconvenience to the practitioners of the Court, without any commensurate advantage, compelling them to have recourse to several offices to effect an object which could be better attained in one office. This arrangement also precludes the Master from having that practical control contemplated by the statute; each head of a department acting in effect on his own responsibility, and thus rendering the Master, in respect to the discharge of the public business, but the nominal head of the office.

This system of departments also operates unjustly to the assistants and clerks with regard to their privilege of promotion, for the statute confines this right expressly *to each department*, and so produces the anomaly of a junior clerk succeeding "by seniority" to the chief office in his department, to the exclusion of an assistant or clerk of another department of the same office, probably, his senior in point of service and experience.

The duties prescribed by the Irish Law Courts Act (7 and 8 Vic., c. 107), may practically be divided into the Court and office duties, the former performed by the Clerk of the Rules, and the latter by the Master and his assistants and clerks. The office part of the duties of the Clerk of the Rules are discharged by an assistant and clerk.

In England the Court and office duties are taken alternately by the Masters, who thus have the opportunity to become familiar with the mode of procedure in the Court, the decisions of the Judges from day to day, the rules of evidence, and the general course and practice of the Court; and who are enabled by the experience thus acquired to conduct with efficiency, and on the model of the Court, the course of business in the office, and to afford the information on the subjects of Practice and Procedure constantly sought by the professions from the officer attending in Court.

This seems a judicious arrangement, and I would, therefore, respectfully suggest that the system of separation of the offices of each Court in Ireland into departments should be abolished, and an establishment constructed, following the precedent of the cor-

responding English offices, modified, of course, in point of numbers, by the difference in the amount of business transacted in the respective offices of the two countries.

I would also recommend that the taxing of costs, and the sealing of writs, should, as in England, be made part of the business of the Master's office of each Court; and there would be no practical difficulty in accomplishing this, inasmuch as the provisions of the Procedure Acts, by which the amount of the costs of judgments, motions, and other proceedings, are directed to be fixed at specific sums, in certain cases, must have sensibly diminished the business of the Taxing Office; and as to the duties of the Writ, Appearances, and Seal Office, it is evident that the clerk in the Master's Office who would enter and sign the writ, might, at the same time, perform the mechanical duty of attaching the seal of the Court to it. And I imagine that the duty of taxing costs, which would thus fall personally to the lot of the Master, would not, when distributed between the three Courts, interfere with the performance of his other personal duties.

I have called attention to the great difference in the mode of appointment to the several offices that exists in the two countries, but I fail to perceive the reason why there should be any such difference with regard to the appointment of the principal officers.

In recommending the subjoined establishment for the discharge of the duties of each Court, I have borne in mind what my experience tells me is a matter of importance, namely, that every person in the office should have a sufficiency of work, and should personally discharge a fair share of the public business; and that the legal maxim, "*Qui facit per alium, facit per se*" should not apply to these departments of the public service.

For the duties now performed in the offices of the several Courts, with the addition of those of the present Taxing and Writ, Appearances, and Seal Offices, and including the revenue business of the Exchequer, the following will be found, I think, a moderate but sufficient staff for each of the three Courts, viz.:—

Two Masters, upon whom the whole responsibility of the due discharge of the Court and Office duties should rest.

One Chief Clerk.	With the present number of Copying Clerks.	
Two First Clerks.		
Two Second Clerks.		
Two Third Clerks.		
Two Fourth Clerks.		

In all eleven persons in each Court, to discharge the entire duties; each clerk to have the right of promotion by seniority, if competent, up to the First Clerk's place; and the Masters to nominate a certain number to compete by examination for the junior clerkship upon the occurrence of a vacancy.

I have not thought it right to make any suggestions on the subject of salaries, but assuming that the same scale of salaries would be fixed for the offices in Ireland as have been granted in England, I think a considerable saving of public money might be effected by the adoption of the plan above proposed.

I have the honour to be, Sir,

Your obedient servant,

H. Yeo, Junr.,

Clerk of the Rules of the Exchequer.

IV.—2. Answer of Christopher N. Duff, Esq., Clerk of the Rules, Court of Queen's Bench, Ireland, to preceding Circular.

Christopher N. Duff, Esq., Clerk of the Rules, Court of Queen's Bench.

Court of Queen's Bench,
Dublin, Feb. 19, 1863.

Sir,—I regret that illness of a serious character has prevented me from sooner answering your communication of the 10th December last; but as I have had since my partial recovery the advantage of seeing the reports sent in to the Commissioners of Inquiry by the Clerks of the Rules of the Courts of Common Pleas and Exchequer, and previous to my illness having had an opportunity of considering many of the points of practice and procedure so ably set forth in the report of Messrs. Jellett and Holland, I concur fully in all essential particulars in the observations of the Clerk of the Rules of the Exchequer, and in his recommendations, both as regards the practice and procedure, as well as with respect to the offices of the Courts of Law in England and Ireland. I am prohibited by my physicians from attending to any matter of business for some time, and consequently cannot send in a detailed report, which would be a mere repetition of the statement and recommendations of the Clerk of the Rules of the Exchequer; and on the subject of the nature and extent of the duties performed in the offices in Ireland, as contrasted with those of the corresponding offices in England, I beg leave respectfully to refer the Commissioners to the report I had the honour to transmit to them on the 27th day of September, 1862.* It will there be seen, how great is the difference in the staff of officers in England and in Ireland; and that the duties performed in Ireland by a single officer (the Clerk of the Rules), are divided in England between the Master in Court and the Judges' Clerks at chambers (ten in number); the former being confined to the Court duties, hand motions, and side-bar rules, and the latter to all the chamber business, as well in Term as in vacation.

In Ireland, also, there are several other duties performed by the Clerk of the Rules, such as the administering of oaths wherever required, whether in Court, in his office, at his residence, at the bed-side of the sick, and in the prison connected with the Courts, and the estreating and levying of fines upon Jurors, &c., which do not appertain to the corresponding offices in England.

I would, also, respectfully suggest, that a great many of the orders which are in England required to be made by a Judge at Chambers, might with great convenience be entered in the Rules Office, upon the proper documents being filed and examined by the officer. This duty is now performed carefully and well by the officer in Ireland, in respect of a great number of matters depending on facts, of which the officer must be satisfied by affidavit or otherwise before he gives the rule. I also think that some of the rules that are now obtainable in Ireland only upon counsel's motion, such as consents to amend pleadings, for a clause of view, and other consents, &c., &c., might with great advantage and saving of expense be intrusted to the officer.

On the whole, I am strongly of opinion, that with regard to the conduct of the business of the Courts and Chambers in Ireland, the greatest possible facility and attention to the convenience of the public are afforded by the Judges in Ireland, who for all purposes, whether in Court, at Nisi Prius, or even at their own houses, are always accessible for the despatch of the business of the several Courts. Again stating my full concurrence in the opinions and recommendations of the Clerk of the Rules of the Exchequer, with respect to the establishment and offices in Ireland,

I am, Sir, your obedient servant,

(Signed), Christopher N. Duff,

Clerk of the Rules of Court of Queen's Bench.

To W. Neilson Hancock, Esq.,
Secretary, &c., &c.

* Appendix II. II. 3, p. 51 *supra*.

Superior Courts of Common Law, England.

Duties and Appointment of Officers.

Appendix I.—Papers as to Duties and Appointments of Officers of Superior Courts of Common Law, England.

Superior Courts of Common Law, England.

Duties and Appointment of Officers.

CONTENTS.

I.—Circular as to Duties and Appointment of Officers in the Superior Courts of Common Law in England addressed to Heads of Offices.

II.—Form of Questions enclosed in preceding Circular.

III.—Answers of Officers thereto, viz.:

Page

1. Thomas Norton, Esq., Queen's Coroner and Attorney 65
2. A. D. Croft, C. R. Turner, H. J. Hodgson, John Unthank, and J. H. Brewer, Esqrs., Masters (Plea Side) of Court of Queen's Bench 66
3. Hon. H. G. Campbell, Associate, Court of Queen's Bench 69
4. Alexander H. Park, Esq., Senior Master of Court of Common Pleas 69
5. T. W. Erle, Esq., Associate of the Court of Common Pleas 72
6. M. Short, Esq., Registrar of Acknowledgments of Deeds by Married Women 73
7. Alex. A. Park, Esq., Registrar of Judgments 73
8. W. H. Walton, Esq., Queen's Remembrancer 73
9. W. H. Walton, W. F. Pollock, George Pollock, John C. Templer, and M. H. Johnson, Esqrs., Masters of Court of Exchequer 75
10. Henry Pollock, Esq., Associate of the Court of Exchequer 76

I. Circular as to Duties and Appointment of Officers in the Superior Courts of Common Law in England, addressed to Heads of Offices.

English and Irish Courts of Law and Chancery Commission.
6, Adelphi Terrace,—November 1862.

Sir,—I am directed by Her Majesty's Commissioners for inquiring into the Superior Courts of Common Law and the Courts of Chancery in England and Ireland, to request that you will make a Return to the Questions contained in the enclosed Paper.

I am also to request that you will favour me with your Return, addressed to this Office, as early as you can conveniently do so, consistently with your other duties.

I have, &c.
(Signed) H. R. Vaughan Johnson,
Secretary.

II. Form of Questions enclosed in preceding Circular.

1. The nature and extent of the duties performed by you in your Office?
2. The Statutes, Warrants, Orders, or other Authority by which such duties are imposed or regulated?
3. The changes, if any, in the nature and extent of the duties to be performed by you since your appointment to your office?
4. The statutable or other authority under which your appointment was made, and the person in whom the right of appointment is vested?

Court of Queen's Bench.

Crown Office.

Thomas Norton, Esq., Coroner and Attorney.

III.—1. A Return, in compliance with the request contained in a letter dated 13th November, 1862, addressed to Her Majesty's Coroner and Attorney in the Court of Queen's Bench, at Westminster, by H. R. Vaughan Johnson, Esquire, Secretary to the Commissioners for inquiring into the Superior Courts of Common Law, and the Courts of Chancery in England and Ireland, showing—

I. The nature and extent of the duties performed by me, and each officer under me, in the Crown Office of the Court of Queen's Bench.

II. The Statutes, warrants, orders, or other authority by which such duties are imposed or regulated.

III. The changes, if any, in the nature or extent of the duties to be performed by each of such officers since his appointment.

IV. The statutable or other authority under which each appointment in the office was made, and the person in whom the right of appointment is vested.

I. The officers of the Crown Office are,—
The Queen's Coroner and Attorney,
The Master on the Crown side of the Court,
Four clerks, and
One messenger.

Court of Queen's Bench.

Crown Office.

Thomas Norton, Esq., Coroner and Attorney.

The duties of the office are, for the most part, performed by the Coroner and Attorney and the Master, in common, assisted by the several clerks; and certain of the duties are by various Statutes imposed on the Coroner and Attorney, specifically, as after mentioned.

Duties of the Queen's Coroner and Attorney.

The duties of this officer, who is also called the Clerk of the Crown, and the Master of the Crown Office, are, to exhibit, under the orders of the Court, informations for misdemeanors, as directed by the Statute 4 & 5 Wm. and Mary, cap. 18.; to take the acknowledgment of recognizances to prosecute such informations, and to receive recognizances taken before Magistrates for the same purpose, and to file the same of record;

To exhibit informations in the nature of quo warranto, under the Statute 9 Ann, cap. 20., for the usurpation of offices in towns corporate, and, under other Statutes and the Common Law, for the usurpation of other offices and franchises; and, pursuant to the Statute 18 Eliz. cap. 5., to record the exhibiting of every information upon a penal Statute by a common informer;

To appear as the Queen's Attorney prosecuting on behalf of the Crown in proceedings in criminal cases in the Court of Queen's Bench;

To attend as Clerk of the Crown upon all trials of indictments, and upon impeachments, before the House of Lords;

To supervise and sign all writs issuing on the Crown side of the Court, and record the issuing of such writs;

To strike special juries for the trial of causes on the Crown side, pursuant to rules of Court and Judges' Orders for such special juries;

To receive and account for all monies paid into Court on behalf of Her Majesty in respect of fines, penalties, and other forfeitures, or compositions for the same, to pay over certain parts of these monies to Grantees of the Crown and others, and render accounts thereof to the Lords of the Treasury, and to the Commissioners for auditing public accounts; to make up every Term an Estreat Roll of all fines, amerciaments, and recognizances forfeited to the Crown in this Court and not paid, and deliver such Roll to the Queen's Remembrancer in the Court of Exchequer;

To register the names and places of abode of County Treasurers, which are transmitted to him pursuant to the Statute 53 George 3. cap. 113.

Under the Annual Mutiny Acts, and the Acts respecting Naval Courts-martial, to file of record the notification of Her Majesty's pleasure concerning the penal servitude of any offender liable to that punishment, in consequence of the sentence of a court-martial, to prepare and after-

Superior Courts of Common Law, England.

wards file, the order to be made on such notification by one of the Judges for carrying into execution the sentence as approved or commuted by Her Majesty, and to make out and transmit to the proper authority a certificate of such Judge's Order.

Duties and Appointment of Officers.

Court of Queen's Bench.

Crown Office.

Thomas Norton, Esq., Coroner and Attorney.

Duties, in common, of the Queen's Coroner and Attorney and the Master on the Crown side.

To attend the Court during term and sittings in banco after term, to take minutes of applications made to the Court, and draw up all rules, orders, and judgments pronounced by the Court in matters on the Crown side, and to inform the Court upon questions of procedure and practice;

To examine upon interrogatories persons charged on writs of attachment with contempt of Court, and to report thereon to the Court;

To settle bonds of indemnity for security of costs when ordered to be given;

To arbitrate in matters referred to them by the Court;

To administer in Court the oaths of allegiance, &c., to barristers on their being called to the bar, to the Judges on their appointment, to Privy Councillors and others; to read to the Court documents required to be read, such as articles of the peace, returns to writs of habeas corpus, records of indictments or informations against persons brought into Court to receive sentence, and the affidavits of such persons in mitigation of punishment; to arraign prisoners brought to the bar of the Court to plead to indictments of treason or felony, and also to arraign defendants appearing personally in Court to be charged with indictments or informations for other offences, and to record the pleas of such prisoners and defendants;

To attend the Court on trials at bar on the Crown side, to swear the jury, and, in cases of treason or felony, to charge them with the prisoner; to read to the Court documents exhibited in evidence, and to take and record the verdicts on such trials;

To issue a precept every term to the Sheriff of Middlesex for summoning a grand jury in the Court of Queen's Bench, to call over in Court and swear such juries, and attend them during their sitting for the purpose of reading and explaining the bills of indictment that are preferred before them;

To tax bills of costs in Crown cases in the Court of Queen's Bench, and in other Courts of criminal jurisdiction, when referred to them for taxation by order of a Judge or requisition of an officer of another Court;

To keep in safe custody the records which are in the Crown office, and to have them in such order as to be always easy of reference, and to lodge them from time to time in the custody of the Keeper of Public Records;

To file and index all writs and returns, informations, indictments, presentments, inquisitions, affidavits, and other proceedings on the Crown side of the Court, make certificated and office copies thereof when required, and all other duties, matters, and things indicated by the Statute 6 Vict. cap. 20. for regulating the Crown Office and the rules made under the authority of that Statute; a copy of which rules accompanies this return.

Extent of Duties.

The discharge of some of the duties enumerated requires great care and judgment, and the advising and giving practical directions in Crown cases to the Law Officers of Public departments and to suitors and the profession, very few of whom are conversant with this branch of law and practice, occupy much of the time of the several officers. It is not possible to describe precisely the extent of these duties. During the current year there were set down in the Crown paper for argument 132 cases, consisting of demurrers to returns to writs of mandamus, demurrers to indictments and informations in the nature of quo warranto, special cases sent under several statutes from Courts of inferior jurisdiction for the opinion of the Court of Queen's Bench, rules to quash awards of Inclosure Commissioners, presentments of Commissioners of Sewers, orders of quarter sessions, allowances of poor law auditors, &c.

During the same time 329 special rules on the Crown side were argued and determined.

II. The foregoing duties are imposed chiefly by the common law. The practice of the Crown Office is regulated by the Statute 6 Vict. cap. 20, the rules made thereunder, and by immemorial usage. Certain of such duties are imposed by the Statutes before mentioned, viz.:—

4 & 5 Wm. & Mary, cap. 18.
9 Ann, cap. 20.
18 Eliz. cap. 5.
53 Geo. 3. cap. 113.
24 & 25 Vict. cap. 115. (Naval Discipline), and the Annual Mutiny Acts (Army and Marines).

Superior Courts of Common Law, England.

III. No change in the nature or extent of the duties to be performed by the present Coroner and Attorney, and the Master, has taken place since their respective appointments.

Duties and Appointment of Officers.

The duties of the two principal clerks, who have been in the office for 25 and 38 years respectively, have been increased and rendered more responsible by the operation of the Statute 6 Vict. cap. 20., it having become the duty of the first clerk to conduct the general business of the office in the absence of the masters, and of the second clerk to attend the Court as Clerk of the Rules on the Crown side, and to perform, generally, the duties of the office of Assistant Master, which was abolished by the Statute 23 & 24 Vict. cap. 54.

Court of Queen's Bench.

No material change has been made in the duties of the two junior clerks and messenger since their appointment.

Crown Office.

Thomas Norton, Esq., Coroner and Attorney.

IV. The Coroner and Attorney and the Master are appointed by the Lord Chief Justice for the time being, 6 Vict. cap. 20. sec. 3.

And the clerks and messenger are appointed by the Coroner and Attorney and the Master, with the approbation of the Lord Chief Justice, Ibid. sec. 2.

(Signed) Thomas Norton,
Queen's Coroner and Attorney in the Court of Queen's Bench.

Court of Queen's Bench (Plea Side).

A. D. Croft, C. R. Turner, H. J. Hodgson, John Unthank, and J. H. Brewer, Esqrs., Masters.

III.—2. A Return made by the Masters on the Plea Side of the Court of Queen's Bench at Westminster, to a letter of the Commissioners of the "English and Irish Courts of Law and Chancery Commission," dated 12th November instant.

1stly. Of the nature and extent of the duties performed by ourselves and each officer under us in our offices.
2ndly. The statutes, warrants, orders, or other authority by which such duties are imposed or regulated.
3rdly. The changes in the nature or extent of the duties performed by each officer since his appointment.
4thly. The statutable or other authority under which each appointment has been made, and the person in whom the right of appointment is vested.

There are five Masters on the Plea Side of the Court, who are appointed by the Lord Chief Justice, under the 7 Will. 4. and 1 Vict. c. 30, and, as directed by such statute, they perform all the duties of the abolished offices of,—

The chief clerk.
The secondary or Master.
The clerk of the rules.
The clerk of the papers.
The clerk of the docquets and judgments.
The signer of the writs.
The clerk of the declarations.
The clerk of the common bails, or appearances, estreats, and posteas.
The custos brevium et recordorum.
The clerk of the inner and upper treasuries.
The clerk of the outer treasury.
The clerk of the errors.
The filacer, exigenter, and clerk of the outlawries.
The signer of the bills of Middlesex.

They have the custody of all the judgment rolls, the rolls of attorneys, affidavits, bills of sale, warrants of attorney, cognovits, articles of clerkship to attorneys, and assignments and all other books, papers, and documents belonging to the Court.

To the First Question.

The duties of the Masters are performed partly in Court and partly at their offices.

Duties in Court.

The Masters in rotation attend the Court in term, and at the sittings after term. They are expected to inform the Court when referred to on all matters of practice, and they take minutes of all judgments, rules, and orders made by the Court, record various proceedings, and receive the directions of the Court in all matters referred to them. They also administer the oaths to persons applying to be admitted attorneys of the Court and certify the enrolment.

Court of Error.—One Master of the Court from which error is brought attends at the sittings of the Court of Error, and acts as the officer of that Court. He has the custody of the judgment roll in each cause before the Court, and takes minutes of the proceedings and judgments. If the proceedings in error are carried up to the

High Court of Parliament, one of the Masters carries the judgment roll to the House of Lords.

Trials at Bar.—A Master attends the Court at all trials at bar, and in such cases performs the duties usually performed by the marshal or associate at Nisi Prius.

Duties at the Office.

The Masters' offices are open in term from 11 o'clock a.m. till 5 o'clock p.m. In the vacation, from 11 a.m. till 3 o'clock p.m., except from the 10th of August till the 24th October, when they are open from 11 o'clock till 2, and except on Good Friday, Easter Eve, Monday and Tuesday in Easter week, Christmas Day, and the three following days, and such of the four following days as may not fall in term, but not otherwise, viz., the Queen's birthday and accession, Whit Monday, and Whit Tuesday, when the offices are closed.

Vacation Master.—By the directions of the Judges made in Hilary Term 1853, between the 1st day of September and the 24th of October in each year, one of the Masters of the Courts of Queen's Bench, Common Pleas, or Exchequer, taxes bills of costs, takes references, and performs other necessary and immediate matters arising in or appertaining to any or either of the said Courts.

Taxation of Costs.—The Masters sign the judgments, both interlocutory and final, and they tax costs as between party and party, and also all attorneys' bills as between them and their clients; and when security for costs is directed, they fix the amount and nature and settle the form of such security.

Certificates.—They examine and sign all certificates of judgments and other documents in their possession, whether for the purpose of their being used as evidence or of registration.

Examination of Witnesses.—When directed by rule or order so to do, the Masters take the examination of witnesses who are unable to attend the trial of any cause. They also take the answers to interrogatories of persons committed for contempt of Court.

The Masters hear and report on all cases referred to them by the Court or Judges; they also assess damages on judgments by default when the amount is matter of calculation, and as arbitrators they hear and determine all causes referred to them by the Court or Judge under the Common Law Procedure Act, 1854, s. 4. Under various sections of that Act, other duties are directed to be performed by them in several matters, viz., under section 48 the examination of witnesses who refuse to make affidavit; under section 53 the examination of persons who omit sufficiently to answer interrogatories; under section 59 the examination of judgment debtors as to debts owing to them; under section 61 the examination of garnishees; under section 74 the ascertaining of expenses incurred under a mandamus granted by the Court.

Many matters of importance are referred to the Masters by the Court, upon which they have to decide absolutely, or report to the Court; such as references as to controverted facts in matters before the Court or a Judge. And when attorneys are directed to answer matters on charges of professional misconduct, the inquiry is usually referred to a Master.

The Masters enter on record (when the rolls are in their custody) at length, all judgments, satisfactions, writs of execution, proceedings to outlawry, and reversals of the same, and according to the 7 & 8 Vict. cap. 36, all bills of sale are filed with them, and they keep proper indexes thereof, and also of all judgments, warrants of attorney, and cognovits filed with them.

The Masters of the Queen's Bench, together with those of the other Common Law Courts, act as examiners of persons applying to be admitted attorneys under the Attorneys and Solicitors Act, 6 & 7 Vict. cap. 73, and one of them attends in rotation at each such examination.

Moneys into Court.—The Masters receive all moneys paid into Court, they cause the same to be paid into the Bank of England to the account of the Suitors' Fund, and they pay such moneys out of Court to the parties entitled to receive the same.

The other business of the Masters' offices is divided into seven departments, each of which is under the general superintendence of the Masters, that is to say:—

The Masters' chief clerks' office.
The Writ office.
The Judgment office.
The Rule office.
The Appearance office.
The Treasury or Record office.
The Outlawry and Error office.

In each of these the business is conducted by a chief clerk, and clerks under him.

To the Second Question.

The statutes, warrants, orders, or other authority:—

The 7 Will. 4. and 1 Vict. c. 30; 6 & 7 Vict. c. 73; 7 & 8 Vict. c. 36; 14 & 15 Vict. c. 99; 17 & 18 Vict. c. 36; Bills of Sales Act, 23 & 24 Vict. c. 127; Common Law Procedure Act, 1852, 15 & 16 Vict. c. 76; and the Common Law Procedure Act, 1854, 17 & 18 Vict. c. 125; the directions to taxing officers; the general rules and orders and all subsequent general rules; the rules of Court and the orders of the Judges.

To the Third Question.

The changes in the nature and extent of the duties performed by each officer since his appointment.

Sir Archer Denman Croft, Baronet, was appointed Master in 1838; Master Turner in 1839; consequently all the duties created by the statutes passed since their appointment, above recited, in answer to question two, and especially the various duties required by the Common Law Procedure Acts, 1852 and 1854, have been imposed upon them since their appointment, and their work has been most materially increased.

With respect to the clerks, their duties have been more or less affected by the changes made by the above statutes, particularly by the Bills of Sales Act, which has imposed very heavy, responsible, and entirely new duties upon the clerks in the Judgment department.

To the Fourth Question.

The statutable or other authority under which each appointment has been made, and the person in whom the right of appointment is vested.

There are five Masters, who are appointed by the Lord Chief Justice under the statute of 7 Will. 4. and 1 Vict. c. 30, as before stated.

The Masters have 23 clerks, and 1 messenger. The appointment of the clerks is vested in the Masters, subject to the approval of the Lord Chief Justice, pursuant to the above-named statute. Eight of those clerks were appointed by the gentlemen holding some of the abolished offices prior to 1838, and continued in office pursuant to the above-named statute; the other 15, and the messenger, have all been appointed by the Masters under the same statute.

Chief Clerks or Masters' Clerks Department.

In this department there are four clerks.

Nature of the Duties performed.

Articles of Clerkship.—To receive all articles of clerkship and assignment, and the affidavits of the due execution thereof, to endorse the same and write the date of leaving, to see that the affidavits are in proper form, and that the requirements of the Statutes 6 & 7 Vict. c. 73. and 23 & 24 Vict. c. 127. are properly complied with, to enrol, endorse, and certify the same, number, index, and file the affidavits; afterwards deliver out the articles, and take receipt for same, and before admission of the clerk deliver out such affidavit for the purpose of being produced to the Judge.

Notices of admission.—To receive, copy, and file all notices for admission, re-admission, and renewal of certificates, make copies for printer, revise printed lists, and cause them to be stuck up at the Court, Judges' Chambers, &c.

Roll of Attorneys.—To prepare and engross the roll of attorneys each term.

Admission of Attorneys.—To receive the admission stamp, affidavits taken off the file, the Examiner's certificate, the Judge's fiat, and the affidavits of payment of the stamp duty, read, compare, and endorse same, fill up admission stamp, write the day of admission on the fiat, and make out list of them for the Masters. The chief clerk attends the Court on the day of admission and delivers out the admission stamps and Examiner's certificate to party admitted, then takes the other documents to the office, and the same day their names, &c. are enrolled in two books or Rolls of Attorneys, afterwards the fiats, affidavits, &c. are all assorted, labelled, and filed.

Admission in Vacation pursuant to 23 & 24 Vict. c. 127.—The chief clerk attends the Judge at Chambers with the papers as above, and administers the oath to the person admitted in all cases where notice has been given for admission in vacation pursuant to 23 & 24 Vict. c. 127, and the entries, &c. are made as above.

Striking Attorneys off the Roll.—To receive and file all rules of Court, and enter the same upon the Roll of Attorneys against the names of all persons struck off the roll; the same for all persons on re-admission, and to give certificates of having done so.

To make out certificates and copy Roll for Attorneys practising in Colonial Courts of their admission in Court of Queen's Bench.

Re-admission and renewal of Certificate.—To receive, read, extract, and report to the Court and the Judges upon all affidavits for re-admission and renewal of attorneys' certificates, make lists for the Court and Judges of such reports, and take them to the Court or Judges' Chambers with the affidavits filed.

Special Juries.—To nominate all special Juries when directed to do so by rule of Court or Judge's order.

Affidavits of Increase.—To receive all affidavits of increase, extract or make a scale of the contents, file, and afterwards deliver out the affidavits to the rule department for the purpose of being indexed.

Money into Court.—To give request to bankers to receive the money into Court, enter the date, amount, names of parties and their attorneys in the money into Court book, give receipts for same on the plea, rule, or order, and make out list for the bankers.

Money out of Court.—To read, examine, and compare plaintiffs' authorities, rules of Court, or Judge's orders for the payment out of Court with the entries of the payments into Court; prepare the cheques for the Masters' signatures, pay same out to attorneys named in authorities, &c., and attest their signatures.

To keep ledgers of the moneys received into, and paid out of Court. and indexes to the same.

Accounts.—To receive the moneys from the various departments daily, and pay the amount into the bankers.

To receive and check the accounts from the various departments, to amalgamate and calculate them, enter the accounts into ledgers and make out the quarterly returns for the treasury. The book-keeping, the payment of the salaries, and disbursements made on account of the whole of the offices is done in this department.

To settle and receive the amount for taxing all bills of costs taxed by the Masters, and to receive all examination and reference fees, &c.

To receive, index, and file all examinations of witnesses taken before the Masters, or by Commissioners in England.

To make the annual statistical return and all other returns to Parliament and Commissions (generally a heavy and troublesome duty).

To record all judgments by default and afterwards hand them over to the judgment department for the purpose of completing the judgment books.

Copies, &c.—To make and examine all copies of examinations of witnesses, bills of costs, affidavits, and all other documents kept in this department, make all searches of money into and out of Court, and other purposes, give appointments on rules and orders for taxation, procure same from Masters in all cases requiring special appointments.

To keep and index all correspondence and answer many letters.

The chief clerk also acts as clerk of the stationery and stores, gives all orders for the same, and superintends their distribution; also for all necessary supplies of furniture, repairs, &c., and all other duties requiring his management.

Writ Department.

In this department there are three clerks:—

To issue all writs, receive precipe, compare it with the writ, index in a book, and file it.

To issue all writs of execution upon production of postea, inquiry, writ of trial, judgment paper, rule of Court, or Judge's order.

To receive Judge's order to amend writ, amend index, and file same.

Make all office copies and examine same.

Index and file all rules or Judges' orders, make all searches, seal all commissions granted to attorneys to administer oaths.

Judgment Department.

In this department there are five clerks:—

To sign all judgments of the Court by making an entry in the judgment book from an incipitur paper, postea, writ of trial, or other authority, of the names of plaintiff and defendant, attorney's name, the amount, and other particulars, and when on a warrant of attorney, confession, Judge's order, rule of Court, or other special authority, the authority strictly examined to see that it authorizes the judgment; afterwards complete the entry by adding the amount of costs when allocatur obtained. To index all the judgments, and to make extracts from the judgment books and give certificates. To file and index all Judges' orders, rules of Court, and other proceedings. To receive and enter all satisfactions of judgments, file and index. To receive, file, and index all warrants of attorney and cognovits under rule, Hilary Term 1853. To register, file, and index all warrants of attorney and cognovits under 12 & 13 Vict. c. 106. To receive, register, file, and index all orders for judgment on consent, under 12 & 13 Vict. c. 106.

Bills of Sale.—To receive, register, file, and index all instruments in the nature of bills of sale, pursuant to 17 & 18 Vict. c. 36, issue certificates of filing, and make and examine copies. To enter satisfaction on the register when ordered to do so, and file the authority, make and attend to all searches. 24 & 25 Vict. c. 91 requires every original bill of sale to be produced, and examined by the officer receiving it to see that it bears the proper stamp duty.

New duty very heavy and important, as for instance, in 1861 there were—

10,053	bills of sale filed.
10,091	affidavits do.
295	Judges' orders.
3,599	certificates issued.
26,039	searches made.
13,677	folios copied and examined.
295	satisfactions entered.

Rule Department.

In this department there are five clerks.

The senior clerk attends the full Court at Westminster during term time, and the sittings in Banco after term, takes minutes of proceedings on the Plea side of the Court, reads the affidavits, &c. on which applications to the Court are made, to see that they are in accordance with the rules and practice of the Court.

The second clerk attends the Bail Court during its sittings in term, takes notes, &c. as above.

To drawing and entering copy and issuing all rules nisi and absolute.

To arranging new trial papers for the Court.

To receiving, indexing, and filing all foreign examinations, depositions, &c. of witnesses, opening same in presence of attorneys of plaintiff and defendant.

To receiving the affidavits from Masters' clerks and appearance departments, do. all affidavits used before the Judge at Chambers, articles of clerkship, and affidavits of due service, notices after admission. Indexing and filing the whole, including those filed in the office.

To making all copies, rules, affidavits, &c., examining and issuing same.

To making all searches.

To giving all certificates required.

Appearance Department.

In this department there are three clerks:—

To receive, alphabetically arrange, and enter and file all appearance pieces.

Ditto the declarations filed.

To administer the oath to all parties swearing to service, endorse, index, and file the affidavits and copies of writs, &c., receive, enter, and file Judges' orders and rules of Court to appear, amend proceedings, &c.

To give certificates.

To copy, examine, and deliver out copies of documents, make all searches for appearances, Judges' orders, affidavits, and declarations.

Receive, index, and file bail pieces.

To enter exoneretur on ditto.

To keep and enter in a book the addresses of all plaintiffs and defendants in person.

Mark judgment papers where no appearance entered.

Treasury or Record Department.

In this department there are two clerks:—

To receive, enter, and file all writs of execution and sheriffs' returns.

Do. writs of possession.

Do. writs of certiorari and judgments filed by Judges, orders from inferior courts, enter and index same in books, make, examine, and issue out copies, also certificates.

Receive and enter plea judgment rolls and give numbers, also receive Crown rolls, make copies, and when required get them certified by one of the Masters when requisite.

File all rolls of the term in which they are numbered, and see that they are properly bound up.

Outlawry and Error Department.

Only one senior clerk in this department:—

To receive, endorse, and file all writs issued from the Common Law side of the Court of Chancery, and writs of capias ad satisfaciendum to ground outlawry, and all writs of outlawry when returned.

To issue all writs in outlawry and replevin, and enter same in books.

To sign judgment of outlawry, index, docket roll, and enter same in books.

To reverse outlawries.

To allow all writs of error, endorse and file them, receive and file all memorandums of error and give receipt and copy; receive and file all notices of appeal and give receipt and copy.

To prepare recognizance in error or on appeal, and attend at the Judges' Chambers to take acknowledgment of bail, and again on their justification; receive, endorse, and file recognizances taken in the country; endorse and file all affidavits.

To set down cases for argument in the Court of Error, prepare lists for the Judges, and prepare and arrange the documents to go to Court.

To sign judgment, judgment of non pros. for not prosecuting the proceeding in error with effect.

To draw, enter, copy, and deliver out all rules of the Court of Error, prepare receipt for roll and undertaking to return it, to be signed by Clerk of the Parliaments, when proceeding in the House of Lords, make searches, copies, and give certificates.

(Signed) A. D. Croft.
C. R. Turner.
H. J. Hodgson.
John Unthank.
J. H. Brewer.

6th Dec. 1862.

Court of Queen's Bench (PleaSide).
A. D. Croft, C. R. Turner, H. J. Hodgson, John Unthank, and J. H. Brewer, Esqrs., Masters.

III.—3. Return from Associate of the Court of Queen's Bench.

Court of Queen's Bench.
Office of the Associate.
Hon. H. G. Campbell, Associate.

Queen's Bench Associate's Office,
19, Chancery Lane, W.C.,
November 29, 1862.

Sir,

In reply to the inquiries addressed to me by your letter of the 13th instant, on the part of Her Majesty's Commissioners for inquiring into the Superior Courts of Common Law and the Courts of Chancery in England and Ireland, I have to reply that—

1. The duties of the Associate are performed partly in Court, and partly at his Office.

It is his duty to arrange and publish the days of the various Sittings of the Court at Nisi Prius; to enter the Records for the different sittings; to arrange and appoint days for the trial of Special Jury Causes; to prepare a general list of causes for each sitting; to prepare the list of causes for each day to be tried by Special or Common Juries; to make abstracts of the Records for the use of the Judge.

It is also the duty of the Associate to be present during all the sittings at Nisi Prius; to call the Juries; to hear and investigate all claims on the part of jurymen for exemption from serving; to give jurymen who are fined notice thereof, and afterwards to make a return to the Queen's Remembrancer of the fines to be levied; to call on the causes in Court; to read to the Court all letters and documents put in evidence; to object to the admission of documents requiring a stamp, but which are not stamped or are insufficiently stamped, and to receive and pay over to the Commissioners of Inland Revenue the stamp duties and penalties received; to receive and record the verdicts of the juries, and also to enter a record of the nature of every action tried, and of various particulars connected with it, such as the names of the jurymen, &c., &c.; to draw up all certificates, orders of reference, and of Nisi Prius, the committals of defendants in criminal cases, and orders to stay or hasten execution; to draw the Posteas in civil cases, and judgments in case of conviction in criminal cases; to engross all special verdicts, and give out the records after the lapse of a prescribed time; to give general information to Counsel, Attorneys, and others interested in causes tried or about to be tried, and to jurors with reference to the times when their attendance will be required, &c.; to receive and keep an account of all fees paid in Court or at the Office in accordance with the 15 & 16 Vict. cap. 73. sect. 10, and to prepare a quarterly return for the Treasury of all fees so received; also to prepare an account for the Commissioners of Inland Revenue of all stamp duties and penalties received; to prepare and furnish to the Government an annual analytical statement of the whole business of the Court at Nisi Prius in the course of the year, showing the entire amount of the sums recovered in the actions.

In these duties generally the Associate of the Court of Queen's Bench is assisted by three Clerks, one of whom is entirely occupied by attendance at the Associate's office, another acts as Associate in Court when there are two Courts of Nisi Prius sitting at the same time.

2. The general duties of the Associate are not imposed by Act of Parliament. Some of them are imposed by 6 Geo. IV. cap. 50. sect. 26., 15 & 16 Vict. cap. 73., 17 & 18 Vict. cap. 125. ss. 2. 28. 29., 25 & 26 Vict. c. 107. s. 12.

3. Since the appointment of the Associate in the Court of Queen's Bench, a power has been given to the Judges to hold two Courts of Nisi Prius at one time, and it has become the duty of the Associate to attend to such second Court. It has also become his duty to object to the admission in evidence of documents which require a stamp and are unstamped, or are insufficiently stamped.

4. The Associate of the Court of Queen's Bench is appointed by the Lord Chief Justice of England under the provisions of the 3rd section of the Act of 15th & 16th Vict. c. 73.

The Clerks are appointed by the Associate, subject to the approval of the Lord Chief Justice under the provisions of the 4th section of the same Act.

I am, Sir,
Your obedient Servant,
(Signed) H. G. Campbell.

To the Secretary of the English and Irish Courts of Law and Chancery Commission.

III.—4. Return by the Masters of the Court of Common Pleas at Westminster, in compliance with the request of Her Majesty's Commissioners for inquiring into the Superior Courts of Common Law, and the Courts of Chancery in England and Ireland, dated the 12th day of November 1862.

Court of Common Pleas.
Office of the Masters.
Alexander A. Park, Esq., Senior Master.

1st. Of the nature and extent of the duties performed by such Masters, and by each Officer under them in their Offices.
2nd. Of the Statutes, Warrants, Orders, or other Authority, by which such duties are imposed or regulated.
3rd. Of the changes, if any, in the nature or extent of the duties to be performed by each of such Officers since his appointment; and
4th. The statutable or other authority under which each appointment in the Office was made, and the person in whom the right of appointment is vested.

I. The nature and extent of the duties performed by the 5 Masters (which are identical) are as follows * :—

The Statutes, &c., by which such duties are imposed.	—
By custom.	To attend the Court at Westminster Hall in Term time, and during the sittings of the Judges in Banco out of Term (two Masters in rotation), to answer the Court upon questions of practice when referred to, to receive the directions of the Court upon matters specially referred to them to enquire into, to report upon, or to decide; and to take minutes of all motions and applications to, and of all decisions and judgments pronounced by the Court, and to attend on trials at the bar of the Court.
A duty imposed by 1st Vict. c. 30. s. 5., formerly performed by the Clerk of the Errors.	To attend the Court of Exchequer Chamber when sitting on errors or appeals from the Court of Common Pleas, with the records of the proceedings, and to take minutes of its proceedings and of the judgments pronounced.
By 1st Vict. c. 30. s. 5., formerly performed by the Clerk of the Errors.	To attend at the bar of the House of Lords with the records of the proceedings, in causes in which error is brought from the Exchequer Chamber to the House of Lords.
By Rule No. 1 of the Courts of 20th January in Hilary Term 1853, relating to the examination of attornies.	To preside, in rotation, at the Law Institution, at the examination of articled clerks, which takes place each Term, prior to their admission as attornies.
By custom.	To attend the Lord Chancellor when a Judge of the Common Pleas is sworn in.
By 1st Vict. c. 30. s. 5., previously performed by the Prothonotaries.	To attend daily at their Offices in Chancery Lane, to tax all costs in causes, as between party and party, both final and interlocutory, and as between attorney and client, under the Orders of the Court or a Judge.

* *Note.*—The masters, for convenience, have inserted in the margin opposite to each duty performed, the statute or other authority by which it is imposed or regulated, forming No. II. of their return.

Superior Courts of Common Law, England.	The Statutes, &c., by which such duties are imposed.	—
Duties and Appointment of Officers.		
Court of Common Pleas.		
Office of the Masters.		
Alexander A. Park, Esq., Senior Master.	Under directions of Judges to the Masters of all the Courts, No. 1 of 27th January in Hilary Term 1853.	Excepting between the 1st day of September and 24th day of Oct. when a single Master of one of the Courts is required to attend, in rotation, to tax costs, &c. for the three Courts.
	By 1st Vict. c. 30. s. 5., formerly performed by the Prothonotaries.	To settle the amount for which security for costs shall be given when ordered. To investigate and report upon all matters specially referred to them by the Court or a Judge, and to determine all matters referred to them, when directed to do so. To take the vivâ voce examination of witnesses about to leave the country, or who are aged, infirm, or ill, to use on the trial of causes when ordered by the Court or a Judge.
	By Common Law Procedure Act 1854, ss. 46, 47, 48, 53, &c.	To take the oral examinations of witnesses and the examinations of persons refusing to make affidavits when directed.
	By 1st Vict. c. 30. s. 5., formerly performed by the Secondaries.	To take the examinations upon interrogatories of persons committed for a contempt of the Court.
	By Common Law Procedure Act 1852, ss. 18 and 94, &c.	To ascertain the amounts for which judgments shall be signed by receiving evidence vivâ voce or otherwise. To settle all issues, special cases, &c., when directed by the Court, or a Judge, or by any Statute.
	By 6th Vict. c. 18. s. 67.	To notify to the Sheriffs or returning Officers of counties, cities, boroughs, &c., all decisions of the Court, upon appeals from the Revising Barristers, with the names ordered to be inserted in or expunged from the Registers of Voters.
	By Railway and Canal Traffic Act, 17 & 18 Vict. c. 31. s. 3.	To investigate matters of complaint against railway companies, when referred to them by the Court or Judge, and to report thereon.
	Common Law Procedure Act 1854, ss. 3 and 4.	To hear and determine all causes referred to them by a Judge at chambers, or from Nisi Prius.
	By 1st Vict. c. 30. s. 9.	To receive and keep account of all monies paid into Court to the credit of the Suitors' Fund, when paid in upon defendants' pleas, on defendants being arrested, as security for costs; in interpleader cases, and in all other matters when ordered by the Court or a Judge. To pay same over to the Bank of England, to the credit of the Suitors' Fund, with the names of the causes and the amounts. To pay same out by cheques on the Bank of England (signed by two Masters) to the parties who are entitled to receive the same, or when ordered by the Court or a Judge.
	By Table of Fees inserted in the London Gazette of 24th November 1852.	To receive all fees for duties performed in the Offices, according to the table settled by the Judges.
	By 1st Vict. c. 30. s. 20.	And to render quarterly accounts thereof (first examining the accounts with the precipes and vouchers filed), and of the payments and disbursements made thereout to the Treasury.
	By 1st Vict. c. 30. s. 7.	To take into their charge all rolls, records, remembrances, entries, and documents of the Court under 20 years old.
	By Reg. Generals, No. 33 of Hilary 1853.	To receive and file all examinations of witnesses taken abroad under Writs of Mandamus and Commission, or taken elsewhere under Commissions or Rules of Court, or a Judge; to receive and file all affidavits with exhibits or documents annexed that are used in Court, before the Judges at chambers, or before the Masters; to make alphabetical indices of same, and to furnish all certified or office copies when required.
	By ditto, No. 147 of Hilary 1853.	To perform all the duties previously performed by the officers whose offices were abolished, some of which have been already enumerated, the remaining duties being performed by their clerks, and mentioned hereafter.
	By 1st Vict. c. 30. s. 5. and Schedule A. to ditto.	The offices so abolished were the custos brevium; prothonotaries; secondaries; clerk of the judgments; clerk of the reversals of outlawries; clerk of the docquets; clerk of the warrants, enrolments, and estreats; clerk of the essoigns; clerk of the treasury; clerk of the jurata; treasury keeper; clerk of the juries; clerk of the errors; filacers for the several counties, cities, and towns in England and Wales; exigenter and clerk of the supersedeas; clerk of the outlawries.
	By 8 & 9 Vict. c. 34. s. 2.	And those also of the office of sealer of writs, whose office was abolished.
	By rule of all the Courts No. 173 of Hilary Term 1853.	The Offices are open during Term time from 11 o'clock a.m. to 5 p.m., and in Vacation from 11 to 3, except between the 10th day of August and the 24th day of October, when they are open from 11 to 2 o'clock, and except also on the following holidays, when the Offices are closed, viz:— Good Friday, Christmas day, and the three days following each:—the Queen's birth and accession days; and Whit Monday and Whit Tuesday, when they fall out of Term time, but not otherwise.

III. Very extensive changes in the duties of the Masters and in the proceedings of the Offices were occasioned by the two Common Law Procedure Acts 1852 and 1854, and although many minor duties performed by themselves and their clerks were thereby abolished, yet, great additional labour and responsibility have been thrown on two of the Masters, viz., Park and Methold, since their appointments, which were prior to the year 1843—

By the duties imposed by the Act 6 Vict. c. 18., amending the Law for the registration of voters; by the Railway and Canal Traffic Act, 17 & 18 Vict. c. 31. s. 3., and by the Common Law Procedure Act 1854, ss. 3 & 6., by which latter statute, very long and complicated matters of account are referred to them to investigate and adjudicate upon; and in the investigation of which, very nice and difficult points of law constantly arise, which the Master has to determine. In these cases the parties are generally represented by counsel, and by—

The attendance of a Master in rotation during the long Vacation by the rule No. 1 of 27th January in Hilary Term 1853, which is also an additional duty imposed upon those Masters.

It is to be observed, that many of the duties which were transferred to the Masters by the 1st Vict. c. 30. s. 5., upon the abolition and consolidation of the offices, are necessarily performed by their clerks, (the Masters being nevertheless responsible for the same,) and are therefore enumerated in the return of the duties performed by each clerk respectively.

IV. The five Masters were appointed, as follows:—

By 1st Vict. c. 30. s. 3. and Schedule B.	A. A. Park, Esq.

By the Lord Chief Justice for the time being, in whom the appointments were vested by 10th sect. of that Act.	H. Methold, Esq. J. Gordon, Esq. J. T. Airy, Esq. W. M. Benett, Esq.; and—
By the Masters for the time being by 12th sect. of that Act with the sanction and approval of the Lord Chief Justice.	The chief clerk and the 11 other clerks in the Masters Offices were appointed.

The duties of the Chief Clerk are, in Term time—

The Statutes, &c., by which such duties are imposed.	—
These duties prior to 1st Vict. c. 30. were performed by the three Secondaries.	1. To attend the Court daily, at the sittings in Banco after the Term, and on trials at bar, to take notes of the motions and applications made, of the decisions of the Court thereon, and to draw up all rules and orders thereon. To make out the lists of new trials moved for, of all rules and matters pending before the Court, for the Judges, the Court, &c. To peruse affidavits on certain motions, to ascertain that the requirements of the Court have been complied with.
By 3 & 4 Wm. 4. c. 74. s. 91.	2. To draw up all rules on applications made on behalf of married women to dispense with their husbands concurrence in the execution of deeds, and also on applications made relating to acknowledgments made by married women, where any informality occurs, and the Registrar has referred them to the Court.
By s. 85. of same Act.	
6 Vict. c. 18. s. 63, 65, 67.	3. To make a list of all appeals filed from the decision of the Revising Barristers, to draw up the notices of the days appointed for hearing them, and all rules of the judgments pronounced by the Court thereon, and the notices of such decisions, to be sent by the Master to the Returning Officers.
13 & 14 Vict. c. 61.	4. To draw up the rules of the judgments pronounced on appeals from County Courts.
20 & 21 Vict. c. 43.	5. The same on appeals from Justices.
Common Law Procedure Act 1854, s. 41.	6. The same on appeals carried into Exchequer Chamber.
By direction of the Judges.	7. To make an epitome of the grounds on which all rules Nisi for new trials have been granted, for the Judges.
Prior to 7th Wm. 4. and 1st Vict. c. 30. performed by Prothonotaries.	8. To prepare the counts and writs used on the creation of Serjeants-at-law, when made in Term time.

At all other times to attend at the Masters' Offices, and—

	9. To receive, and keep an account of all monies paid into Court by the suitors, and give receipts for the same (the amount being each day paid over to the bankers), to make out lists and accounts thereof, from time to time, and to pay same by cheques given by the Masters to the Bank of England to the credit of the Suitors' Fund.
	10. To prepare all receipts, when money is taken out of Court, first carefully examining the documents produced as the authority for paying same.
	11. To examine and check the daily vouchers of fees received in each of the departments of the Masters' Offices, and to make out the quarterly accounts of the receipts and disbursements, for the treasury, and to pay over the balance at the Bank of England to the credit of the Paymaster-General.
	12. To examine and check from time to time the Bank of England and banker's pass books.
By direction of Her Majesty's Secretary of State.	13. To prepare and make out the annual statistical returns of the business transacted in the Court and Masters Offices for Her Majesty's Secretary of State.
	14. To prepare all other returns required.
	15. To superintend and regulate, under the Masters, the duties to be performed in the departments of the Offices, by the clerks, with other minor duties.

Under the third head of this return, changes in the nature and extent of the duties of the chief clerk have taken place, the additional duties that have been imposed since his appointment in 1838 are those numbered 3, 4, 5, 6, and 7, in this return of his duties.

And those numbered 9 to 15 inclusive, were added on the retirement of the late chief clerk in the year 1856.

In the *Judgment Department* there are three clerks whose duties are—

To sign all interlocutory and final judgments, and enter same into books for the purpose.

To sign all writs of trial, writs of inquiry, writs of subpœna for the attendance of witnesses upon trials at Nisi Prius, or before the Sheriff. and all writs of Execution, consisting of writs of Fieri facias, Capias ad satisfaciendum, Habere facias possessionem, Sequestrari facias, and Elegit; and all writs of Mandamus, Commissions, Certiorari, Habeas corpus, Venditioni exponas, &c., and to enter same into books for the purposes of account.

To file all bonds given by plaintiffs as security for the defendants' costs, all warrants of attorney on which Judgments are signed, and Judge's Orders in certain matters.

To arrange and file all bills of costs taxed by the Masters.

To make all office copies of same, and of warrants of attorney, &c., filed in this department, and to give certified extracts or copies from the judgment books when required.

To attend on subpœnas at Nisi Prius, at the Assizes, or before the Sheriff, at the Bankruptcy Court, or before Arbitrators, or at the Stamp Office, to produce documents filed in this department, when required.

To receive the authorized fees for each duty performed, make a daily voucher of same, and pay the amount over.

To make out a quarterly summary of each item of duty, and of the fees received for same; and to count all precipes, &c., filed in order to aid the quarterly examination of the accounts.

The senior clerk of this department daily collects and pays over to the bankers the fees received in the departments of the Offices.

The junior clerk in this department, assists also in the entry and examination of the appearances and writs in the Writ Department.

During Term time, when the chief clerk is attending in Court, the senior clerk of this department, also receives and enters the monies paid into Court by the Suitors, and gives receipts for the same, (the amount being each day paid over to the bankers,) and prepares the receipts on money being paid out of Court by the Masters to the Suitors.

In the *Writ Department* there are two clerks, assisted by the junior clerk in the Judgment Department whose duties consist in—

Sealing all writs of summons for the commencement of actions, and in ejectment and all concurrent and renewed writs, writs of Capias to hold to bail, Exigi facias, Capias utlagatum, Supersedeas, and Detainer.

Copying all the precipes filed on issuing same into books, with full names of the plaintiffs, the defendants, and the plaintiffs' attornies, afterwards arranging and entering same into other books in alphabetical order, for convenience of searching.

Filing all appearances entered to those writs by the defendants, arranging and entering same into books in alphabetical order for searching, and filing all allowances, justification, and exoneretur of bail, and the Orders of a Judge in certain of the matters.

Entering into a book the names and addresses of all plaintiffs or defendants who sue or defend in person.

Taking affidavits of the service of writs of summons, and administering the oath to the deponents.

Making all office copies of precipes filed, or of the Orders of a Judge, when required.

Attending the giving out of all the books, &c. for searching.

Attending on subpœnas in Court, at the Assizes, at Nisi Prius, &c., &c., with documents filed in this department.

Receiving the authorized fees for each of such duties performed, making out daily vouchers of same, and paying the amount over.

Making out a quarterly summary of each item of duty, and of the fees received for same, and counting all the precipes filed, to assist the quarterly examination of the accounts.

In the *Rule Department* there are four clerks, whose duties are—

To copy and give out all the rules that are drawn by the chief clerk in Court.

To draw up, and give out all rules upon hand motions, &c., for special juries, for views, for returning writs, for the discontinuance of causes, for the allowance of bail, for making agreements to submission, orders of reference, and all other orders (when required), rules of the court, and to enter same into books for the purpose.

To enter upon the Remembrance all rules of every description that have been given out, to carefully examine same, and make an index thereof.

To receive and file all affidavits used in Court before the Judges, and before the Masters, or that are filed in answer to interrogatories under the Common Law Procedure Act 1854; to arrange, number, and index same in alphabetical order.

To receive and file all depositions taken abroad, under Writs of Mandamus, or Commissions, or when taken elsewhere under Commissions, Rules of the Court, or Orders of a Judge.

To receive and file all appeals from the decisions of the Revising Barristers, from the County Courts, or from Justices.

To enter same, and also all special cases, demurrers, and special verdicts that are to be set down for argument before the Court.

To make and give out all certified and office copies of Rules, Appeals, Affidavits, Interrogatories, Depositions, Examinations, and Reports of the Masters, and of any other document filed in this department.

To make copies of all Lists of Rules for new trials granted, and of the remanet and special papers, &c.

To attend on subpœnas at Nisi Prius, the Assizes, the Bankruptcy and County Courts, or before the Sheriff, Arbitrators, or a Judge, to produce documents filed in this department.

To receive the authorized fees for each duty performed, make out a daily voucher of same, and pay over the amount.

In the *Record Department* there are two clerks, whose duties consist in—

Taking in and docketing all judgment and issue rolls.

Enrolling deeds.

Keeping the Roll of Attornies, and entering the names of the attornies who sign the same into a book in alphabetical order.

Entering the residences of attornies into the Attornies' Residence Book.

Receiving and entering the notices of error and of appeals from the decisions of the Court, and making lists of same for the Court and Judges of the Exchequer Chamber.

Filing and entering all affidavits of service of writs (previously to signing judgment) in alphabetical order.

Filing and entering the declarations in actions, and writs returned by the Sheriffs, and records that are removed from inferior courts.

Giving appointments for the taxation of costs, and in cases referred to the Master.

Copying into a book in alphabetical order for searching, the judgments that have been signed in the Judgment Department.

Making office copies of judgment rolls, of affidavits of service of writs, of examinations of witnesses when taken before the Master, and of writs that have been returned and filed.

Making all alterations or further entries on the rolls of proceedings in causes, when ordered by the Court or a Judge, and filing and entering satisfactions of judgments.

Attending on subpœnas to produce any documents filed in this department.

Receiving the authorized fees for each duty performed, making out a daily voucher thereof, and paying same over.

(Signed) ALEX. A. PARK,
December 3, 1862. Senior Master.

SUPERIOR COURTS OF COMMON LAW, ENGLAND.

Duties and Appointment of Officers.

III.—5. RETURN from ASSOCIATE of the COURT of COMMON PLEAS.

Common Pleas Associate's Office,
18, Chancery Lane,
November 21st 1862.

SIR,

IN reply to the inquiries addressed to me by your letter of the 13th instant on the part of Her Majesty's Commissioners for inquiring into the Superior Courts of Common Law and the Courts of Chancery in England and Ireland, I have to reply that—

(1.) The duties of the Associate are performed partly in Court and partly at his office.

It is his duty to arrange and publish the days of the various sittings of the Court at Nisi Prius.

To enter the records for the different sittings.

To arrange and appoint days for the trials of Special Jury causes.

To prepare the list of causes for each day to be tried by Special or Common Juries.

To make abstracts of the records for the use of the Judge.

It is also the duty of the Associate to be present during all the sittings of the Court at Nisi Prius.

To call the juries. To hear and investigate all claims on the part of jurymen for exemption from serving.

To give jurymen who are fined notice thereof, and afterwards to make a return to the Queen's Remembrancer of the fines to be levied.

To call on the causes. To read to the Court all letters and documents put in evidence. To object to the admission of documents requiring a stamp, but which are not stamped, or insufficiently stamped; and to receive and pay over to the Commissioners of Inland Revenue the stamp duties and penalties received.

To receive and record the verdicts of the juries, and also enter a record of the nature of every action tried, and of various particulars connected with it, such as the names of the jurymen, those of the counsel engaged, &c.

To draw up all certificates, orders of reference and of Nisi Prius, and orders to stay or hasten execution.

To draw the posteas and give out the records after the lapse of a prescribed time.

To give general information to counsel, attornies, and others interested in causes tried, or about to be tried, and to jurors, with reference to the times when their attendance will be required, &c.

To prepare a quarterly account for the Treasury of all fees paid or owing, and also for the Commissioners of Inland Revenue of all stamp duties and penalties received.

To prepare and furnish to the Government an annual analytical statement of the whole business of the Court done at Nisi Prius in the course of the year, showing the entire amount of the sums recovered in actions.

In these duties generally the Associate of the Common Pleas is assisted by two clerks, one of whom is entirely occupied by attendance at the Associate's office.

(2.) The duties of the Associate are imposed by the Act 15 & 16 Vict. c. 73.

(3.) There has been no change in the nature or extent of the duties to be performed by the Associate or either of his clerks since the date of their respective appointments.

(4.) The Associate of the Common Pleas is appointed by the Chief Justice of the Court under the provisions of the third section of the Act 15 & 16 Vict. c. 73.

The clerks are appointed by the Associate under the provisions of the fourth section of the same Act.

I have the honour to be, Sir,
Your obedient servant,
(Signed) T. W. ERLE,
Associate of the Court of
Common Pleas.

The Secretary of the English and Irish Courts of Law and Chancery Commission.

Superior Courts of Common Law, England.

Duties and Appointment of Officers.

Court of Common Pleas.

Office of Acknowledgments of Deeds by Married Women.

M. Short, Esq., Registrar.

III.—6. Return as to Office of Acknowledgments of Deeds by Married Women.

Office of Acknowledgments
of Deeds by Married Women,
9, Lancaster Place,
Nov. 14, 1862.

Sir,

In answer to your letter of the 12th November last, I have to state,—

(1.) That the 3 & 4 W. 4. c. 74. section 85, requires the Registrar to examine the Certificate (of Acknowledgment), and see that it is duly signed and duly verified by affidavit, as required by the section and orders of the Court thereupon, and also to see that it contains such statement of particulars as to the consent of the married woman as shall be required from time to time in that behalf, and of all the requisites of the Act in regard to the certificates and affidavit. He is to cause the certificate and affidavit to be filed of record in the said Court of Common Pleas.

The Registrar is assisted by two clerks.

The office is open daily, except during the eight legal holidays, from 11 to 5 in term, 11 to 3 in vacations, and 11 to 2 in the long vacation.

The clerks receive the certificates and affidavits from the parties, being very experienced persons, and having served in the office a great many years. They examine the affidavits and certificates, referring any case that is out of the usual and common form to the Registrar. They make copies of the certificates and write the indexes, as required by section 87.

The peculiar duty of the Registrar is, besides the responsibility of receiving or rejecting any certificates and affidavits alleged to be contrary to the Act or rules of the Court, to examine every copy of certificate; and he is responsible for an examined copy, which he signs.

The clerks then affix the office stamp.

The Registrar also examines the indexes, and sees that they contain the particulars required by the section of the Act.

In the year 1861, 5,982 certificates of acknowledgment were filed. 6,137 office copies were made and delivered out. The whole were indexed alphabetically with the names of married women and their husbands, the date of the deeds, and the date of certificate, and county and parish where the land, &c. is situate.

Special commissions are also prepared at this office to take acknowledgments of deeds by married women out of England and Wales.

The recorded certificates, with the indexes, are kept for searches for 20 years. After that they are passed on to the custody of the Master of the Rolls.

If parties require searches, the clerks attend to it.

(2.) The 3 & 4 W. 4. c. 74. is the Act by which the above duties are imposed and regulated.

(3.) No change has taken place in the nature or extent of the duties to be performed by either the Registrar or clerks since my appointment to the office in August 1861.

(4.) My appointment was made under the hand of the Chief Justice of the Court of Common Pleas, in whom the right of appointment is vested.

The clerks were appointed by the Registrar,—the head clerk 29 years ago, the second four years afterwards.

I am, &c.

(Signed) M. Short,
Registrar.

Court of Common Pleas.

Office of Registrar of Judgments.

Alexander A. Park, Esq., Registrar.

III.—7. A Return made by the Registrar of Judgments in the Court of Common Pleas, at Westminster, in obedience to the request of the English and Irish Courts of Law and Chancery Commissioners, appointed under a Royal Commission, issued the 13th day of December in the 25th year of the reign of Her Majesty Queen Victoria, in answer to the following questions, viz. :—

1. "The nature and extent of the duties performed by yourself and each officer under you in the office of the Registrar of Judgments."

The Registrar is the responsible head of the office, and the duties performed therein are under his immediate control. The receipts for all the registries are signed by him. He receives the fees, and renders a quarterly account to the Commissioners of Her Majesty's Treasury, pursuant to the statute 13 & 14 Vict. cap. 75.

There are four clerks employed by the Registrar. It is the duty of the chief clerk to see that the documents offered for registration are in conformity with the several statutes relating thereto, and to assist the public in the transaction of their business with all necessary information; to examine the registers when posted up; to act as cashier to the Registrar, and take the general management of the office under him. The second and third clerks post up the registers, write out the receipts for registrations, issue "search tickets," &c. The junior clerk attends chiefly to the public who search the registers, supplying them with books, keeping the registers in proper order in the "racks," and generally assists the other clerks.

2. "The statutes, warrants, orders, or other authority by which such duties are imposed or regulated?"

The judgments, rules, decrees, and orders of the Courts of Law and Equity are registered under the statute 1 & 2 Vict. cap. 110, sec. 19, amended and extended by the 2 Vict. cap. 11, ss. 1 to 6; 18 Vict. cap. 15; 22 & 23 Vict. cap. 35, ss. 10 and 11; and 23 & 24 Vict. cap. 38, ss. 1 to 5; and 24 & 25 Vict. cap. 134, ss. 213 and 214.

Executions under the 23 & 24 Vict. cap. 38, ss. 1 and 2.

"Lis Pendens" under the 2 Vict. cap. 11, sec. 7.

Annuities or rentcharges under the 18 Vict. cap. 15, sec. 12.

Crown debts under the 2 & 3 Vict. cap. 11, sec. 8.

Re-registries of judgments, &c., under the 2 & 3 Vict. cap. 11, sec. 4, amended by 18 Vict. cap. 15, ss. 5 and 6.

Re-registries of Crown debts under 22 & 23 Vict. cap. 35, sec. 22.

Satisfactions of judgments, &c., under the 23 & 24 Vict. cap. 115.

Satisfactions of Crown debts.—As to the "Customs" under the 16 & 17 Vict. cap. 107, sec. 196; as to the "Inland Revenue" under the 18 & 19 Vict. cap. 78, sec. 6; as to the "County Courts" under the 19 & 20 Vict. cap. 108, sec. 76; and generally by the 23 & 24 Vict. cap. 115.

Satisfaction is also entered on the registers under an order or rule of a court of equity or law, or by a Judge's order.

Certificates of satisfaction are issued under the 23 & 24 Vict. cap. 115.

Certified extracts are granted for the purpose of evidence under the 14 & 15 Vict. cap. 99, sec. 14.

The mode of searching the Registers is regulated by the 1 & 2 Vict. cap. 110, sec. 19, and the 18 Vict. cap. 15, sec. 13.

3. "The changes, if any, in the nature or extent of the duties to be performed by each of such officers since his appointment?"

The changes consequent on the passing of the above-mentioned several statutes, more particularly of the statutes 18 Vict. cap. 15 as to annuities and searches; the 23 & 24 Vict. cap. 38 as to executions; and the 23 & 24 Vict. cap. 115 as to the satisfaction of Crown debts, judgments, &c.

4. "The statutable or other authority under which each appointment in the office was made, and the person in whom the right of appointment is vested?"

The Registrar, as senior master of the Court of Common Pleas, is appointed by the statute 1 & 2 Vict. cap. 110, sec. 19. He appoints his clerks, with the consent of the Lords Commissioners of Her Majesty's Treasury, agreeably to the provisions of the statute 13 & 14 Vict. cap. 75, sec. 4.

Dated this 18th day of November 1862.

(Signed) Alex. A. Park,
Registrar.

Court of Exchequer.

Office of the Queen's Remembrancer.

W. H. Walton, Esq., Queen's Remembrancer.

III.—8. A Return in compliance with the request contained in a letter dated 12th of November 1862, addressed to the Queen's Remembrancer in the Court of Exchequer, at Westminster, by H. R. Vaughan Johnson, Esquire, Secretary to the Commissioners for inquiring into the Superior Courts of Common Law and the Courts of Chancery in England and Ireland.

Question 1.—*The nature and extent of the duties performed by yourself and each officer under you in the Queen's Remembrancer's Office.*

Proceedings by Information, Intrusion, &c.

It may be premised that all suits and proceedings, by information and otherwise, to recover debts and penalties due to the crown, and for the recovery of land by writ of intrusion, also all suits in equity by English information (or bill) and proceedings under Act 16 & 17 Vict. cap. 51, in respect of legacy and succession duties, are conducted in this office from the commencement of the suit or proceedings to execution.

Duties in Court.

The Queen's Remembrancer attends the Court of Exchequer in term time, and at the sittings after term in matters of revenue, to take minutes of any decrees or orders pronounced by the court.

On certain days in each year he administers the ancient oath to the Lord Mayor, and reads the warrants for the late Lord Mayor to account, &c. Also, he administers the oath to the Privy Council and Judges when assembled in court for the nomination of persons to serve the office of sheriff in counties of England and Wales, and records the administration of such oaths. He reads over the names of the persons already nominated to act as sheriff, and the names of those newly proposed by the Judges and settled by the council, and records the same.

Also, he administers the oath of office to every new Chancellor of the Exchequer, and new Baron of the Court; and the oath to the jury at the trial of the pyx, and records their verdict.

Duties in the Office.

The duties in the office are as follows:—

Sheriffs.—To make out for the Privy Council the lists of names of persons nominated to act as sheriffs. To prepare rolls for the pricking of the sheriffs by Her Majesty. To prepare warrants under the great seal of the Exchequer, signifying Her Majesty's approval of the election of the sheriffs of London; and in October in each year to receive the civic functionaries in the office, when they attend to perform the ancient rent services due to the Crown for certain lands, &c., formerly rendered in open court, and to record the proceedings. (See Act 22 and 23 Vict. cap. 21. sects. 42 and 43.)

References.—To take all references in matters of revenue directed by the court or a baron, and when necessary to report to the court thereon. To answer references from the Treasury upon the subject of claims to fines, &c., by lords of liberties and corporations.

Sale of Estates of Crown Debtors.—To conduct the sales of real estates of Crown debtors and afterwards convey the same by deed to the purchasers.

Accounts as Accountant General.—To keep the accounts of the monies in the Bank of England standing in the name of the Queen's Remembrancer,* as Accountant-General in Revenue and prepare cheques for payment of dividends or otherwise, and to attend the bank on occasions of sale, purchase, or transfer.

Taxation of Costs.—To tax costs in revenue matters and causes.

Entry and Filing of Proceedings, &c.—To draw up all orders and decrees pronounced by the court and enter the same, and also all orders of course.

To examine and seal all writs prepared by the public departments or otherwise in Crown suits or matters, and make the necessary entries in books for that purpose.

To enter appearances and claims of parties; file informations, affidavits, and other documents, including judgments. To make office copies of proceedings, enrol deeds of conveyance for public departments, and such other proceedings as may be required. To draw up and make out special commissions to enclose waste lands in any of the Royal forests. To make out process against parishes and collectors when directed by statute. To prepare special bonds and recognizances of public officers when required by the Lords of the Treasury.

Accounts.—To make out quarterly accounts to public departments of fees payable by them for business transacted in the office, and to make out and render to the Treasury a quarterly account of fees and disbursements in the office.

Estreats and Process thereon.—All estreats of fines and forfeitures accruing at the Houses of Lords and Commons, at the Central Criminal Court, and the Superior Courts of Law at Westminster are returned into this office, and process issues thereon to the respective Sheriffs for execution.

The Remembrancer receives Sheriff's returns to process, enters the same in process books, and certifies the sums to be charged against the respective Sheriffs in their public accounts. He receives warrants and orders of court, or a baron, for discharge of fines and forfeitures, and affidavits of under-sheriffs as to the receipt of felon's goods, and other casual profits.

The clerks in the office assist the Queen's Remembrancer in the duties of the office, in whichever department they may be placed.

* See the Ordnance Acts as to the purchase of Lands for the Crown, viz.:—5 & 6 Vict. cap. 94, and 18 & 19 Vict. cap. 117.

Question 2.—*The statutes, warrants, orders, or other authority by which such duties are imposed or regulated.*

The following statutes abolished several Exchequer offices, and transferred certain duties thereof to the Queen's Remembrancer; namely:—

3 & 4 W. 4. cap. 99.
(Abolished the Lord Treasurer's Remembrancer's office and others.)

5 & 6 Vict. cap. 86.
(Abolished the offices of Secondaries, Sworn and Side Clerks, &c., of Her Majesty's Remembrancer's office.)

15 & 16 Vict. cap. 73.
(Abolished the offices of the Hereditary Chief Usher and Messengers of the Court of Exchequer.)

19 & 20 Vict. cap. 86.
(Abolished the office of Cursitor Baron of the Exchequer.)

Office Regulated.—The Queen's Remembrancer's office was regulated by the Lords of the Treasury under the powers of the Act of 5 & 6 Vict. cap. 86, and after the passing of the Act of 22 & 23 Vict. cap. 21, new rules of practice and proceedings were prepared, in order to assimilate the proceedings on the revenue side of the court to those on the common law side, and signed by the Barons on the 22nd of June 1860. They came into operation on the 24th October of that year; and further rules, chiefly relating to legacy and succession duties, were prepared and signed on 26th November 1861.

New Rules of Practice.—Copies of these rules accompany this return.

Sealing of Writs.—From and after the 1st of April 1849, the Chancellor of the Exchequer dispensed with the separate seal office of the Court of Exchequer. By letter from the Chancellor of the 28th of March 1849, the Queen's Remembrancer was authorized and directed to seal all writs and other processes in his office, and to take the custody of the Great Seal of the Exchequer.

Question 3.—*The changes, if any, in the nature or extent of the duties to be performed by each of such officers since his appointment.*

It would be difficult to point out in any reasonable compass, the alterations that have taken place in the duties performed by those of the clerks who have been in office from 30 to upwards of 40 years. The principal alterations have arisen from the effect of the Acts of Parliament, and the rules of court, referred to in answer to question No. 2.

In reference to the Ordnance Acts, before referred to, it may be mentioned that sect. 8 of Act 22 & 23 Vict. cap. 21 directs that all future payments made in respect of purchases of lands by the Secretary of State for War under those Acts are to be made to the Accountant General of the Court of Chancery.

Succession Duties.—By the Succession Duties' Act, 16 & 17 Vict. cap. 51 (A.D. 1853), a considerable increase of business has arisen in the office from the questions which arise on the Act; and new forms of proceedings have been adopted for the purpose of compelling the rendering of accounts of executors and others, and for the recovery of the duties due to the crown. The proceedings by English information on the equity revenue side have been principally resorted to for the purpose of deciding questions arising on the Succession Duty Acts.

See also the new Rules sent herewith ("Court of Exchequer, Revenue Side").*

Question 4.—*The statutable or other authority under which each appointment in the office was made, and the person in whom the right of appointment is vested.*

The right of appointment to the office of Queen's Remembrancer, and of all the clerks, is in the Lords of the Treasury; under the Acts 5 & 6 Vict. cap. 86, and the Act 22 & 23 Vict. cap. 21.

By sect. 1 of the last-named Act, the appointment of the present Queen's Remembrancer, made under the former Act, was confirmed.

By sect. 2 the office and salaries may be regulated from time to time by the Lords of the Treasury, with the consent of the Lord Chief Baron.

(Signed) W. H. Walton,
Queen's Remembrancer.

November 24th, 1862.

* The Rules referred to are those made in pursuance of the Act 22 & 23 Vict. cap. 21, sec. 26.

III.—9. Return as to Court of Exchequer.

Exchequer Office of Pleas, Lincoln's Inn,
Sir, 26th November 1862.

We have received your letter of the 12th November 1862, requesting for Her Majesty's Commissioners for inquiry into the Superior Courts of Common Law in Ireland, and the differences between the constitution and the forms of practice, procedure, and fees of the Courts of Chancery of England and of Ireland, a return, showing—

I. The nature and extent of the duties performed by the Masters and each officer under us in the Masters' office in the Court of Exchequer.
II. The statutes, warrants, orders, or other authority by which such duties are imposed or regulated.
III. The changes, if any, in the nature or extent of the duties to be performed by each of such officers since his appointment.
IV. The statutable or other authority under which each appointment in the office was made, and the person in whom the right of appointment is vested; and we now beg to make the following return accordingly:—

I. The duties performed in the Masters' offices may be generally described as comprising all such duties as in the Court of Chancery are discharged in the distinct offices of the Accountant General, the Registrars, the Examiners, the Record and Writ Clerks, the Taxing Masters, and Chief Clerks.

These duties require the attendance of the Masters partly in Court at Westminster and partly at the office of the Court in Lincoln's Inn.

The offices are open except on Good Friday, Christmas day, and the three days following; and except on the Queen's Birthday, the Queen's Accession, Whit Monday and Whit Tuesday, when these days occur out of term time.

From the 1st day of September to the 24th day of October a Master of one of the Courts sits on certain days of the week at the office of his own Court to tax costs and transact other necessary and immediate matters arising in any of the Courts of Queen's Bench, Common Pleas, and Exchequer, and is considered as the Vacation Master [Reg. Gen. Hil. T. 1853.] The Vacation Master has hitherto been supplied in rotation from each of the three Courts.

Two of the Masters attend the Court at Westminster in term time, and one Master attends the Court at the sittings after term. They have to answer the Court when referred to on all questions of practice or the business of the Court; they take minutes of all judgments, rules, and orders made by the Court; record the various proceedings, and receive the directions of the Court in all matters specially referred to them for them to inquire and report upon.

One Master attends the sittings of the Court of Error, and acts as its officer to take minutes of the proceedings, and judgments in cases of error from the Court of Exchequer. If the proceedings in error are carried up to the High Court of Parliament, one of the Masters brings the judgment roll to the House of Lords.

A Master attends the Court on all trials at bar, and in such cases performs the duties usually performed by the Marshal or Associate in cases tried at *Nisi Prius*.

At the office of the Court in Lincoln's Inn the Masters attend both in and out of term to tax costs upon posteas, inquiries, writs of trial, rules of Court, Judges' orders, and other proceedings under which final or interlocutory costs are receivable as between parties to actions in the Court of Exchequer. It is also their duty to tax the general bills of costs of attorneys delivered to their clients, when taxed under the provisions of the Attornies and Solicitors Act, or when otherwise referred by a Judge for taxation. Bills of costs are also taxed upon the request of the officers of other Courts, or for proof of debt in bankruptcy, if they contain items of business done in the Court of Exchequer.

The examinations of witnesses in London, who, from sickness, absence, or other cause, may not be able to attend at the trial of the cause, are almost always taken before a Master, and are usually attended by counsel; and by the Common Law Procedure Act, 1854, the Court or a Judge may order before the Master oral examinations of witnesses, and the examinations of any persons refusing to make an affidavit.

The Masters also take the interrogatories of persons committed for contempt of Court; and they settle the amount of security for costs to be given by parties residing out of the jurisdiction, or in other cases where security is required.

Many matters of importance are referred to the Masters by the Court or by a Judge at chambers, upon which they have to decide or to make a report. Such references generally relate to complicated and disputed matters of fact before the Court or a Judge, or to alleged misconduct of attorneys, and are determined upon affidavits, or by *viva voce* examination of witnesses.

The Masters also act as arbitrators in the references of causes made by the Judges under the clauses of the Common Law Procedure Act, 1854, which are almost always attended by counsel; and they assess damages in actions after judgment by default, where the amount is substantially a matter of calculation.

The Masters are appointed by the Judges as examiners of articled clerks previous to admission to practise as attorneys; and one of the Masters (in rotation from each Court) presides at the examinations, held in every term, as part of his official duty.

All moneys paid into Court by suitors are received at the Master's office, and a receipt signed for them by one of the Masters previous to lodging them at the Bank of England to the account of the Suitors' Fund. All moneys are paid out of Court to the parties entitled to receive them by cheque (signed by two of the Masters) on the Bank of England. A quarterly account is rendered by the Masters to the Treasury of all fees received in the office, and the fees are paid under the direction of the Treasury to the Fee Fund of the Court at the Bank of England.

All the process of the Court is issued from the Masters' offices. This includes writs of summons for the commencement of actions, together with concurrent, alias, pluries or renewed writs, writs of capias to hold to bail, writs of trial, writs of inquiry, writs of subpœna for the attendance of witnesses before a Judge or Master, or before the Sheriff; writs of execution, comprising fieri facias, capias ad satisfaciendum, possession, elegit, exigi facias, capias utlagatum, and all other writs. All appearances by defendants are entered at the office. Interlocutory and final judgments are signed in the books kept for the purpose, and, when necessary, entered upon the rolls of the Court. Rules are drawn up, issued, and entered. All affidavits used before the Court, a Judge at chambers, or a Master, are filed and indexed for reference at the Masters' offices. Writs executed and the examinations of witnesses taken in the country or abroad are returned to the Masters' office. The Masters have the custody of all writs, entries, affidavits, rolls, records, and other proceedings which have to be filed or preserved, indexes are kept, searches have to be attended, and certificated and office copies are furnished from the office when required.

The duties last described are, in point of fact, for the most part actually discharged by the Masters' Clerks, but under the superintendence and control of the Masters, who are responsible for the due performance of all the work of the office.

There are two clerks who are more especially called "Masters' Clerks," and who are in constant and immediate communication with the Masters.

There are three clerks in the "Writ Office;" five clerks in the "Rule Office;" three clerks in the "Appearance Office;" four clerks in the "Judgment Office," and one clerk called the "Sealer of Executions." There are also two messengers attached to the office.

The extent of the business transacted in the Masters' offices of the Court of Exchequer appears in the following general statement for 1861.

Court of Exchequer, 1861.

Writs of summons issued - -	48,139
Writs of capias to hold to bail -	202
Appearances entered - -	11,463
Judgments - - - -	18,245
Executions - - - -	13,474
Appeals from County Court, and applications on Justices' decisions	10
Motions for new trials - -	210
Other special motions - -	228
On hand motions - - - -	283
On side-bar rules - - -	1,278
Special cases - - -	57
Causes referred to Masters under Common Law Procedure Acts, 1852 and 1854, and in other matters - - - -	220

To this must be added the taxations of costs, of which in 1861 there were 8,712 instances, exclusive of bills taxed between attorney and client, which are very numerous, but which are retained by the clients, and not filed in the office, so that no exact numerical statement can be furnished of them. It is also exclusive of bills sent from other Courts for taxation here.

II. The offices of the Masters of the Superior Courts were established in their present form by the Statute

1 Vict. cap. 30, to which we beg to refer the Commissioners. The course of proceeding is regulated to some extent by ancient practice, but chiefly by the two Common Law Procedure Acts of 1852 and 1854, by the Rules of Practice and Pleading of 1853, and by any Rules or Orders made from time to time by the Judges. The Masters are officers of the Court, and (subject to the control of the Treasury in matters relating to the quarterly accounts rendered by them) are under the authority of the Judges of the Court.

III. It would be impossible to answer this question with precision. Many changes have taken place in the practice of the Court since the appointments of most of the existing Masters and Clerks, and many of the Clerks have been transferred from one department of the office to others. But on the whole, the amount of the duties to be performed by the Clerks in this office remains without material alteration.

The two Common Law Procedure Acts of 1852 and 1854 have occasioned the greatest changes in the proceedings of the office. Some duties have been rendered unnecessary, but fresh duties have been imposed, and the general amount of business, as depending on the number of actions commenced and prosecuted in the Court, is on the increase. This appears from the following figures, showing the amount of business for the last three years:—

Year.	Writs of Summons.	Judgments.	Total Fees received.
			£
1859 - - - -	36,974	14,188	23,418
1860 - - - -	41,420	15,690	25,646
1861 - - - -	48,139	18,245	29,581

The references of causes under the Common Law Procedure Act, 1854, have thrown duties of a new character upon the Masters, and in the Court of Exchequer four of the present Masters were appointed previous to 1854.

IV. Under sect. 10 of 1 Vict. cap. 30, the Masters are appointed by the Lord Chief Baron. The rights of appointment therein mentioned, as vested in the late William Stewart Rose, Esquire, have long since ceased to exist.

Under sect. 12 of the same Act the Clerks in the office are appointed by a majority of the Masters, with the sanction and approval of the Lord Chief Baron.

We are, &c.
(Signed) W. H. WALTON.
W. F. POLLOCK.
GEORGE POLLOCK.
JOHN C. TEMPLER.
M. H. JOHNSON.

To H. R. Vaughan Johnson, Esq.,
Secretary to the Commission.

III.—10. RETURN from ASSOCIATE of the COURT of EXCHEQUER.

Exchequer Associate's Office,
18 and 19, Chancery Lane,
November 27, 1862.

SIR,

IN reply to the inquiries addressed to me by your letter of the 13th instant on the part of Her Majesty's Commissioners for inquiring into the Superior Courts of Common Law and the Courts of Chancery in England and Ireland, I have to reply that—

(1.) The duties of the Associate are performed partly in Court and partly at his office. It is his duty to arrange and publish the days of the various sittings of the Court at Nisi Prius; to enter the records for the different sittings; to arrange and appoint days for the trial of special jury causes; to prepare a general printed list of causes for each sitting; to prepare the list of causes for each day to be tried by special or common juries; to make abstracts of the records for the use of the judge.

It is also the duty of the Associate to be present during all the sittings at Nisi Prius; to call the juries; to hear and investigate all claims on the part of jurymen for exemption from serving; to give jurymen who are fined notice thereof, and afterwards to make a return to the Queen's Remembrancer of the fines to be levied; to call on the causes; to read to the Court all letters and documents put in evidence; to object to the admission of documents requiring a stamp, but which are not stamped or insufficiently stamped, and to receive and pay over to the Commissioners of Inland Revenue the stamp duties and penalties received; to receive and record the verdicts of the juries, and also enter a record of the nature of every action tried, and of various particulars connected with it, such as the names of the jurymen, those of the counsel engaged, &c. &c.; to draw up all certificates, orders of reference, and of Nisi Prius, and orders to stay or hasten execution; to draw the posteas; to engross all special verdicts, and give out the records after the lapse of a prescribed time; to give general information to counsel, attorneys, and others interested in causes tried or about to be tried, and to jurors with reference to the times when their attendance will be required, &c.; to prepare a quarterly account for the Treasury of all fees received, and also for the Commissioners of Inland Revenue of all stamp duties and penalties received; to prepare and furnish to the Government an annual analytical statement of the whole business of the Court at Nisi Prius in the course of the year, showing the entire amount of the sums recovered in actions; in these duties generally the Associate of the Court of Exchequer is assisted by three clerks, one of whom is entirely occupied by attendance at the Associate's office. The chief clerk acts as Associate in Court when there are two Courts of Nisi Prius sitting at the same time.

(2.) The general duties of the Associate are not imposed by Act of Parliament. Some of them are imposed by 6 Geo. 4. c. 50. s. 26.; 15 & 16 Vict. c. 73.; 17 & 18 Vict. c. 125. ss. 2. 28. 29.; 25 & 26 Vict. c. 107. s. 12.

(3.) Since the appointment of the Associate in the Court of Exchequer a power has been given to the judges to hold two Courts of Nisi Prius at one time, and it has become the duty of the associate to attend to such second Court. It has also become his duty to object to the admission in evidence of documents which require a stamp and are unstamped, or are insufficiently stamped.

(4.) The Associate of the Court of Exchequer is appointed by the Lord Chief Baron of the Court under the provisions of the 3rd section of the Act 15 & 16 Vict. c. 73.

The clerks are appointed by the Associate, subject to the approval of the Lord Chief Baron, under the provisions of the 4th section of the same Act.

I am, &c.
(Signed) HENRY POLLOCK.

H. R. Vaughan Johnson, Esq.

Superior Courts of Common Law.

Official Establishments.

Statement of Differences between England and Ireland, by Messrs. Jellett and Holland.

Appendix K.—Joint Concise Statement by Messrs. Jellett and Holland as to the Differences existing between the Official Establishments of the Superior Courts of Common Law in England and Ireland, as distinguished from the Judicial Establishments.

Superior Courts of Common Law.

Official Establishments.

Statement of Differences between England and Ireland, by Messrs. Jellett and Holland.

We have carefully examined the official returns from the offices which are appended to this Report,* and we now submit to Her Majesty's Commissioners the following joint Statement of the differences existing between the official establishments of the Superior Courts of Common Law in *England* and *Ireland*, as distinguished from the judicial establishments.

Court of Queen's Bench, Crown Side.

Court of Queen's Bench, Crown Office.

Staff.

In *England* there are two superior officers:—1. The Queen's Coroner and Attorney, also called Clerk of the Crown. 2. The Master on the Crown side of the Court. They are appointed by the Lord Chief Justice for the time being.

There are also four clerks, who are appointed by the two superior officers with the approbation of the Lord Chief Justice.

In *Ireland* there is one superior officer, called Clerk of the Crown, Coroner and Attorney to the Queen, and Master of the Crown Office, appointed by the Lord Lieutenant under the Statute 2 W. 4. c. 48.

There is also one Chief Clerk appointed by the Master, under the same Statute, and it has been found necessary for the Master to appoint and employ at his own expense a second clerk, as appears from his return.

Duties of Office.

The duties performed in the respective Crown Offices in *England* and *Ireland* are very similar, but the following differences may be stated.

In *England* the Queen's Attorney attends as Clerk of the Crown upon all trials of indictments, and upon impeachments before the House of Lords.

In *Ireland* he attends upon all trials of indictments at bar, but not on any other trial in criminal cases.

In *England* he renders accounts of fines, penalties, &c., to the Treasury, and Audit Office.

In *Ireland* the account is rendered to the Fines and Penalties Office.

In *England* he makes up every term an Estreat Roll of Fines, &c., and delivers such roll to the Queen's Remembrancer.

In *Ireland* he makes a similar return to the Fines and Penalties Office.

In *England* he registers the names and places of abode of county treasurers.

In *Ireland* no corresponding duty devolves on the Clerk of the Crown.

In *Ireland* he attends trials of railway traverses held in the county or county of the city of Dublin, and regulates all proceedings connected therewith; and also trials of traverses to presentments for damages occasioned by the construction of public works in the county or county of the city of Dublin, malicious injuries, &c., and attends on the fiating of presentments of the Town Council of the city of Dublin by one of the Judges of the Court, pursuant to the Act 12 & 13 Vict. c. 97.

In *England* no corresponding duties are imposed upon the Masters, and such proceedings do not come into the Crown Office.

In *Ireland* he attends at the several prisons, when required, to take affidavits, &c., of persons confined therein.

In *England* no corresponding duty is imposed upon the officers of the Crown Office.

In *Ireland* he discharges the duties of officer to the Court of Criminal Appeal.

In *England* these duties are discharged by a separate officer, not in any way connected with the Crown Office.

In *England* the Masters of the Crown Office administer in Court the oaths of allegiance, &c., to barristers on their being called to the bar; to the Judges on their appointment; to Privy Councillors, and others.

In *Ireland* these duties are performed by the Clerk of the Rules of the Court of Queen's Bench.

In *England* books for the Judges on law arguments on the Crown side are prepared by the parties.

In *Ireland* such books are prepared in the Crown Office.

Office of Masters.

Having thus pointed out the differences that exist in respect of the Crown Office, we will proceed to the consideration of the offices of the Masters of the Courts of Queen's Bench, Common Pleas, and Exchequer. We may state here, that in these and the other cases mentioned in our Report, we have compared the duties performed in the corresponding English and Irish offices, without reference to the particular clerks in the offices, by whom certain of those duties are performed. The Masters, Registrars, or other officer, (as the case may be), at the head of the several offices, have the general superintendence of the duties performed in those offices.

Masters, Queen's Bench.

Masters of the Court of Queen's Bench.

Staff.

In England there are five Masters, who are appointed by the Lord Chief Justice, and twenty-three clerks in the Masters' Office, who are appointed by the Masters, subject to the approval of the Lord Chief Justice.

In Ireland there is one Master, who is appointed by the Lord Lieutenant, and there are seventeen clerks, of whom one, the Clerk of the Rules, is appointed by the Lord Lieutenant, and the others are appointed by the Master. The practice has hitherto been to permit the persons

* Returns in preceding Appendices H. and I., supra, pp. 47 and 65.

holding junior clerkships to rise by gradation as vacancies in the senior clerkships occur.

As in the case of the Crown Office, the duties of the Masters of the Courts of Queen's Bench in England and Ireland are very similar. The important differences in their duties are as follows:—

In England the Masters in rotation attend the Court in term, and at the sittings after term.

In Ireland the Clerk of the Rules attends the Court during term. He also attends upon the Judges when sitting at Chambers in vacation.

In England one Master of the Court from which error is brought attends at the sittings of the Court of Error, and acts as the Officer of that Court. And if the proceedings are carried up to the High Court of Parliament, one of the Masters carries the judgment roll to the House of Lords.

In Ireland the Master of the Court from which error is brought attends in the Exchequer Chamber with the roll, but he has no corresponding duties in the cases of writs of error from that Court to the House of Lords. If the proceedings are carried to the High Court of Parliament, a transcript of the roll, with the judgment of the Court of Exchequer Chamber added to it, is transmitted by the Master of the Court to the Chief Secretary for Ireland, and by him sent to the Clerk of the Parliament.

In England the different memoranda and documents in proceedings to error are received, filed, &c., in the office of the Masters of the Court from which error is brought.

In Ireland there is a separate office of the Clerk of the Errors, Court of Exchequer Chamber, in which such duties are performed.

In England, a Master attends at trials at bar, and performs the duties usually performed by the Associate at *nisi prius*.

In Ireland, previous to the abolition of the office of Prothonotary of the Court, it was his duty to attend upon such trials. And since the abolition of the office of Prothonotary there has been no instance of a trial at bar. As the duties of the office of Prothonotary have in a great degree devolved upon the Master of the Court, it would probably be considered as part of his duties to attend upon a trial at bar, but no statutable or other provision has been made on the subject.

In England a Master administers the oaths to persons applying to be admitted attorneys of the Court, but the Master of the Crown Office administers like oaths to barristers.

In Ireland the Clerk of the Rules administers the oaths to persons applying to be admitted as attorneys, and to persons previous to their being called as barristers.

In England one of the Masters of the three Courts in rotation, called the "Vacation Master," attends between 1st September and 24th October each year to tax costs and perform other necessary business arising in either of the said Courts.

In Ireland the Clerks of the Rules attend at each Chamber sitting during the vacation, and act as Registrars to the Judge in relation to the cases in their respective Courts. The taxation of costs is performed by one of the Common Law Taxing Masters, as will be mentioned hereafter.

In England the Masters tax costs as between party and party, and also all attorneys' bills as between them and their clients, and fix security for costs.

In Ireland there is a separate office, called the Common Law Taxing Office, where all costs are taxed; and this duty is, therefore, not imposed upon the Master of the Court. But in cases in which security for costs is directed to be given, the Master measures the amount as in *England*.

In England the Masters assess damages on judgments by default *when the amount of damage is substantially a matter of calculation*, but they have no power to try the case on affidavit, or to hear any fact tried by a jury.

In Ireland the Master assesses damages in a like case, and he may try the cause on affidavit, and may require the Sheriff to summon a jury to try any controverted fact. And *in Ireland* a Master may, where the venue is in Dublin, ascertain the amount of damages, *though not a matter of calculation*, without the direction of the Court or a Judge; and further, where the venue is not in Dublin, but elsewhere, he may, in a like case, by direction of the Court or a Judge, ascertain the damage. In both cases the Master ascertains them by a jury (*See* our joint Report on Practice and Procedure, p. xxi.)*

In England the Masters have authority, in certain cases, to examine a judgment debtor as to the debts owing to him. C. L. P. Act, 1854, s. 60.

In Ireland this authority has not been given to the Master.

In *England* the Masters superintend the issuing of all writs on the plea side of the Court.

In *Ireland*, where the rotatory system of writs is in force, there is a separate office, called "The Consolidated Writ and Seal Office," where all the writs issuing from any of the three Superior Courts of Law are entered and sealed: This duty, therefore, is not performed by the Master of the Court.

In *England* no duty is imposed upon the Masters to inquire into the sufficiency of service before they permit judgment by default to be signed.

In *Ireland* the Master has to make such an inquiry.

In *England*, where the issues on the record are made up by the plaintiff, being merely the issues raised by the pleadings, the Masters have no duties to perform with respect to such issues.

In *Ireland*, where the procedure is different, (*see* our joint Report, p. xxiv.), if the parties cannot agree to issues, to be tried between them, the Clerk of the Rules issues a summons for the parties to attend before a Judge, and he attends the Judge on the day fixed, takes notes of the alterations, and draws up an order thereon; and when the issues are engrossed by the party, he compares and certifies the same before they are filed.

In *England* the records for trial at nisi prius or in error are prepared by the parties.

In *Ireland* the transcripts of records for trial or in error are examined and signed by the Master.

In *England* in the case of motions and rules for new trials, the notes of the Judge who presided at the trial are not kept by the Masters,

SUPERIOR COURTS OF COMMON LAW.
Official Establishments.
Statement of Differences between England and Ireland, by Messrs. Jellett and Holland.
MASTERS, QUEEN'S BENCH.
Duties.
2. At Office.

* First Report of English and Irish Law and Chancery Commission, 1863. Statements, &c. p. 11.

Superior Courts of Common Law.

Official Establishments.

Statement of Differences between England and Ireland, by Messrs. Jellett and Holland.

but are furnished to the junior Puisne Judge of the Court where the rule is to be argued.

In *Ireland* the Judge's notes and reports of trials are furnished to the junior Puisne Judge and transmitted to the Masters' Office, where they are filed and kept, and copies delivered out to the parties on payment of scrivenery fees.

In England lists of the rules *nisi* for new trials, and of demurrers, special cases, appeals, &c., are made out in the Masters' office and furnished to the Judges, and to the Court for the use of the bar and the public. The days are fixed in each Court for the hearing of new trials, special paper, &c.

Masters, Queen's Bench.

In *Ireland* somewhat similar lists are made out, but there is also furnished for *daily* publication the return of the business to be proceeded with on the following day.

In *England* the Masters receive all monies paid into Court, and cause the same to be paid into the Bank of England to the account of the Suitors' Fund; and they pay by cheque such monies out of Court to the parties entitled to receive the same.

In *Ireland* the mode of making the payment is by lodging the money in the Bank of Ireland, on the behalf of the plaintiff or defendant, with the privity of the Master; and he draws on the Bank in favour of the party who is entitled to have it paid out.

In *England* the Masters act as examiners of persons applying to be attorneys.

In *Ireland* the Master gives his certificate, as what is called a moral examiner, and upon this certificate the applicant is admitted.

In *England* the Masters retain no fees for work done, but account for all sums to the Treasury.

In *Ireland* the Master of the Queen's Bench retains the fees for the performance of certain duties, viz., the granting of special certificates to authorize the registration of judgments, Crown bonds, or recognizances, and in respect of the satisfaction, cancelling, or vacating thereof, and for filing and entering civil bill decrees for poor rates, and the registration of confessions and consents for judgments.

In *England* there is no duty imposed upon the Master's Office in respect of filing and entry of civil bill decrees for poor rates.

In *Ireland* civil bill decrees for poor rates are filed and entered in the Masters' Office.

Masters, Common Pleas.

Staff.

Masters of the Court of Common Pleas.

In *England* there are five Masters who are appointed by the Lord Chief Justice, and twelve clerks in the Masters' Office, who are appointed by the Masters, subject to the approval of the Lord Chief Justice.

In *Ireland* there is one Master who is appointed by the Lord Lieutenant, and there are twelve clerks, of whom one, the Clerk of the Rules, is appointed by the Lord Lieutenant, and the others, subject to certain restrictions, which will be found mentioned in the official return appended to this Report, are appointed by the Master. There are also three writing or enrolling clerks attached to the office, who receive a salary in addition to their emoluments derived from scrivening.

Duties.

The differences above stated in the duties of the Masters' Office, in the Courts of Queen's Bench in *England* and *Ireland*, hold good in the case of the Masters' Office in the Courts of Common Pleas of those countries.

In both countries, however, there are special duties imposed on the Masters of the Court of Common Pleas; and these we proceed to consider.

Superior Courts of Common Law.

Official Establishments.

Statement of Differences between England and Ireland, by Messrs. Jellett and Holland.

In both countries there are special duties imposed on the Masters of this Court in respect of acknowledgments of deeds by married women; but it is to be observed, that in *England* there is a separate office of acknowledgments of deeds by married women, in which the certificates and affidavits are examined by the Registrar. In *Ireland* the duties performed in the said separate office in *England* are performed by the Clerk of the Rules of the Court of Common Pleas.

Masters, Common Pleas.

In *England* the Masters draw up all rules on applications made on behalf of married women to dispense with their husbands' concurrence in the execution of deeds.

In *Ireland* these duties are performed by the Clerk of the Rules.

Special duties of Masters' Office in Court of Common Pleas.

In *England* the Masters have to make a list of all appeals filed from the decisions of the Revising Barristers: to draw up notices of the days appointed for hearing them, and all rules of the judgments pronounced by the Court thereon; and they have to notify to the Sheriffs or returning officers the decisions of the Court.

In *Ireland* such duties are performed in a separate office, namely, that of the Clerk of the Errors, Court of Exchequer Chamber.

In *England* the Masters have to investigate matters of complaint against Railway Companies, when referred to them by the Court or a Judge, and to report thereon.

In *Ireland* no such duties are imposed.

In *Ireland* the custody of the fines and recoveries, and remembrance rolls and records of the Palatine Court of Tipperary, is given to the Record Assistant of the Court of Common Pleas.

Masters of the Court of Exchequer.

Masters, Exchequer.

Staff.

In *England* there are five Masters, who are appointed by the Lord Chief Baron, and eighteen clerks in the Masters' Office, who are appointed by the Masters, subject to the approval of the Lord Chief Baron.

In *Ireland* there is one Master, who is appointed by the Lord Lieutenant, and there are eleven clerks, of whom one, the Clerk of the Rules, is appointed by the Lord Lieutenant, and the others are appointed by the Master, subject to certain restrictions which will be found mentioned in the official return appended to this Report.

Duties.

The differences, above stated, in the duties of the Masters' Office in the Courts of Queen's Bench in *England* and *Ireland* hold good in the case of the Masters' Office of the Courts of Exchequer of those countries.

The additional differences to be noted are as follows:—

In *England* all suits and proceedings, by information and otherwise, to recover debts and penalties due to the Crown, and proceedings in respect of legacy and succession duties, are conducted in the separate office of the Queen's Remembrancer.

In *Ireland* these proceedings are conducted in the Masters' Office; and indeed it may be stated generally, that all the duties performed in the office of the Queen's Remembrancer in *England*, except the taxation of costs, are performed in the office of the Master of the Exchequer in *Ireland*. The taxation of costs in *Ireland* in all civil proceedings, and all proceedings connected with

Superior Courts of Common Law.

Official Establishments.

Statement of Differences between England and Ireland, by Messrs. Jellett and Holland.

the Revenue and Excise, is performed as above stated, in the separate taxing office common to all the Courts.

Having thus disposed of the Masters' Offices we proceed to the consideration of some other offices connected with the Superior Courts.

Office of Registrar of Judgments.

Office of Registrar of Judgments.

Staff.

Duties.

In *England* there is one Registrar (the Senior Master of the Court of Common Pleas) appointed under 1 & 2 Vict. c. 110. s. 19, and there are four clerks, appointed by the Registrar.

In *Ireland* there is one Registrar, who is appointed by the Lord Chancellor, the three Chief Judges of the Common Law Courts, and the Master of the Rolls, or the majority of them, and there are ten clerks, some of whom are appointed in the same way as the Registrar, some are appointed by the Registrar.

The duties of the offices are so similar as to require no comment.

Office of Acknowledgments of Deeds by Married Women.

Office of Acknowledgments of Deeds by Married Women.

Staff.

Duties.

In *England* there is a Registrar who is appointed by the Lord Chief Justice of the Court of Common Pleas, and there are two clerks who are appointed by the Registrar.

The duties of the Registrar and his clerks are to examine the certificates of acknowledgments, and see that they are duly signed and verified by affidavit, and that they contain the proper consent;—to record and index such certificates, and cause them to be filed in the Court of Common Pleas, and to give examined copies thereof;—to prepare special commissions to take acknowledgments of married women out of *England*.

In *Ireland* there is no such separate office, and the above-mentioned duties are now performed in the office of the Clerk of the Rules of the Court of Common Pleas. This, which forms no part of the original duties of the office, is a special duty imposed by the Act 7 & 8 Vict. c. 107.

Office of the Queen's Remembrancer.

Office of Queen's Remembrancer.

Staff.

Duties.

In *England* the appointment of the Queen's Remembrancer and of the clerks in the office is vested in the Lords of the Treasury.

The duties of the office are fully set forth in the official return appended to this Report. There is no separate office in *Ireland* corresponding to this office, but, as has been before stated, all the revenue proceedings (except the taxation of costs) and all the proceedings with reference to legacy and succession duties, and in respect of the Sheriff's appointments, and accounts, &c., which in *England* are carried on in the office of the Queen's Remembrancer, are in *Ireland* carried on in the office of the Master of the Court of Exchequer.

Consolidated Writ and Seal Office.

Consolidated Writ and Seal Office.

Staff.

In *Ireland* there are employed in this Office the Clerk of the Writs, who is appointed by the Lord Lieutenant, and three clerks. The three Masters of the Superior Courts, or any two of them have the right, with the approbation of the three Chief Judges, or any two of them, to appoint to vacancies in senior clerkships from amongst the junior clerks and also the right to appoint the junior clerks.

The duties of this office are fully set forth in the official return appended to this Report.

In England there is no corresponding office, and the duties performed in this office in *Ireland* are in *England* performed in the offices of the *Masters* of the three Superior Courts.

Common Law Taxing Office.

Common Law Taxing Office.

Staff.

Duties.

In Ireland there are three officers in this office, of whom the right of appointment is vested in the Lord Lieutenant.

The duties of the office, viz., to tax the costs of all proceedings in the three Superior Courts except proceedings in the Crown Office, are set forth in the official return appended to this Report.

In *England* there is no corresponding office, and the duties performed in this office in *Ireland* are in England performed in the offices of the Masters of the three Superior Courts and of the Queen's Remembrancer.

Office of Clerk of the Errors, Exchequer Chamber.

Office of Clerk of Errors, Exchequer Chamber.

There is, as has been stated, no office in *England* corresponding to this office in *Ireland*. The duties of the office are fully set forth in the Appendix; and it will be seen that some of them, relating to the proceedings in Error, are in *England* performed in the office of the Masters, while the other duties, relating to the appeals from Revising Barristers, are in *England* performed in the office of the Masters of the Court of Common Pleas.

Office of the Associate.

Office of Associate.

Staff.

Duties.

In *England* there is an Associate to each Court, who is appointed by the Chief Judge of the Court, and the Associate appoints the clerks in his office.

The duties of the Associates are the same in all the courts, and are fully set forth in the official returns appended to this Report.

In *Ireland* the corresponding duties are performed by the Registrar of the presiding Judge, or in the Consolidated *Nisi Prius* Court by the Registrar of that Court. Each Judge appoints his own Registrar, but the Registrar of the Consolidated *Nisi Prius* Court is appointed by the Lord Chief Justices and Lord Chief Baron in rotation, pursuant to the Statute 21 & 22 Vict. c. 52. s. 2.

Subordinate Officers.

Subordinate Officers.

Ushers, &c.

We have only to add that there are attached to each of the Superior Courts in both countries certain subordinate Officers, as Ushers, Tipstaffs, Messengers, and Court-keepers. The duties of these Officers are similar in both countries, and as no official returns have been sent in by them, no further comment is necessary.

(Signed) Hewitt P. Jellett.
H T. Holland.

February 13, 1863.

Superior Courts of Common Law, Ireland.

Appendix L.—Evidence as to Official Establishments of the Superior Courts of Common Law, Ireland, taken by Commissioners resident in Ireland.

Superior Courts of Common Law, Ireland.

CONTENTS.

	Page
1.—Minutes of Evidence.—Part I: 4th January, 1864.—Master Bushe (Queen's Bench), Master Burke (Common Pleas), and Master Hitchcock (Exchequer),	81
2.—Minutes of Evidence.—Part II: 10th January, 1864.—William MacDougall, Esq., Clerk of Writs,	89
3.—Suggestions with a view to the Consolidation of Offices, submitted, at the request of the Commissioners, by the Masters of the three Superior Courts of Common Law, Ireland, Masters Bushe, Burke, and Hitchcock,	92
4. Statement by Christopher Duff, Arthur Greene, and Henry Yeo, jun., Esqrs., Clerks of Rules of Common Law Courts, Ireland, with respect to their Departments,	93

Evidence as to Official Establishments.

1. Minutes of Evidence.—Part I.

Evidence as to Official Establishments.

Master Bushe, Master Burke, and Master Hitchcock

Office of Commission, Four Courts, Dublin, Monday, January 4, 1864.

Present—The Lord Justice of Appeal (in the Chair); The Lord Chief Justice of the Common Pleas; The Right Hon. the Attorney-General, M.P.; The Solicitor-General; R. J. T. Orpen, Esq.; and W. Neilson Hancock, LL.D., Secretary.

Master Bushe, Master Burke, and Master Hitchcock

Arthur Bushe, Esq., Master of the Court of Queen's Bench; Charles Granby Burke, Esq., Master of the Court of Common Pleas; and Robert Hitchcock, Esq., Master of the Court of Exchequer, jointly examined.

1. *The Lord Justice of Appeal.*—This inquiry relates to the Common Law Courts and their officers, and as the Lord Chief Justice of the Common Pleas is so familiar with the subject, he will put the questions on our behalf.

2. *The Lord Chief Justice of the Common Pleas.*—We know what are the duties of the officers of the Common Law Courts, under the Act of Parliament, but we want to ascertain more minutely what duties are actually performed, the quantity of business that is done, and the time it occupies. We will inquire, in the first place, respecting the Masters. The principal duties of the Masters, we know, are to hold inquiries with juries, and to take accounts in matters referred by orders of the Courts. These are two of the principal duties, and we wish you to distinguish in your answers cases of inquiries with juries from cases of account referred to the Master himself. What was the number of cases each of you had in which you assessed damages, with the assistance of juries, during the last year, from the 1st of January, 1863, to the 31st of December?

Master *Bushe.*—In answering that question, I should observe that there are some cases of assessing damages (ascertaining the sums for which final judgment was to be marked) in which we had no jury.

3. We want first to know the number of cases in which, during the last year, each of you presided, doing the business, as it were, of a Nisi Prius Judge, with the assistance of a jury.—I think I had nine such cases last year.

Master *Burke.*—I would say nine or ten cases during the year.

Master *Hitchcock.*—I think I had about fifteen cases in which I sat with juries.

4. The next class of cases of importance are references sent to you by the Court. I do not mean cases of judgments by default, in which you would make a tot on a bill of exchange, for instance, or perform some duty of that sort; but a reference to take an account between a plaintiff and a defendant. It is a common thing, where there is a builder's or a merchant's account, instead of having it tried by a jury, to refer it to the Master to take the account. We wish to know how many references of that description you had last year.—

Master *Bushe.*—Do you refer to cases referred under the Procedure Act of 1856?

5. I do not allude to references made under the Act. I have, at Nisi Prius, where I saw a case opened that was too long and complicated in its accounts to be satisfactorily tried before a jury, I have sent such a case to the Master to take an account. How many references have you had of that description: by that description I do not mean how sent to you, but the nature of the business done?

Master *Bushe.*—I had last year forty-five references altogether. Take from that nine cases with juries, and there remain thirty-six. Of these, fifteen were references to measure security for costs, and the balance would be the class of references you mean. There are four or five sequestration accounts in the year.

6. Keep the sequestration cases separate. How many cases had you, by direction of the Court, to take account between plaintiffs and defendants, to ascertain the sum due to a plaintiff on the balance of an account?—I would say about fourteen.

Master *Burke.*—I had about ten. I mean cases of importance that took some time.

Master *Hitchcock.*—I had four.

Master *Burke.*—I exclude a certain class of petty cases that did not occupy time.

Master *Hitchcock.*—Of course I have excluded all small cases.

7. I mean cases of debtor and creditor accounts between plaintiff and defendant, to ascertain for what amount judgment was ultimately to be marked.

Master *Burke.*—I should like to add that one of the ten cases has taken so long as four days, another has occupied three, and another ten days. Perhaps the bulk of them occupied one or two days each.

Master *Bushe.*—I have been sitting in one case seven days for four or five hours a-day. I expect to be twenty-five days more, at least, in the same case.

8. What is the name of it?—Talbot *v.* Cusack. There have been two counsel at each side.

Master *Burke.*—I have a case in the sixth day.

9. We have now ascertained the number of jury cases and of references to take debtor and creditor accounts between plaintiff and defendant. The next

inquiry is, what number of those short references have you had. I mean cases to measure security for costs, and where judgment goes by default to assess the damages without a jury. How many of these have you had, confining yourself still to plaintiff and defendant ?

Master *Bushe.*—The only case of that kind that comes before me is to assess the amount on an attorney's bill of costs. There judgment frequently goes by default. The practice the Masters adopt is this :—we require a ten days' notice for ascertaining the amount; we don't call for taxation ; the plaintiff, in a case of that sort, is not bound to tax his costs, but we examine the plaintiff, on oath, as to the work having been done, and we examine some member of the profession, on oath, as to the fairness and reasonableness of the charge. We submit it to him some days before, that he may, in a sort of measure, tax it. We strike off what is unreasonable. We ascertain in that way the sum for which judgment is to be marked. We insist on a sort of taxation, and the affidavit of the attorney that the work was done on the retainer of the plaintiff or defendant, as the case may be.

10. Including every case of that class, how many of them had you last year ?—I think of attorneys' bills of costs, seven or eight.

11. Do not confine yourself to attorneys' bills of costs. How many references had you, as between plaintiff and defendant, to ascertain the amount due ?—I should say nine.

12. Where the action is for goods sold and delivered you must have a jury ?—When judgment goes by default.

Master *Hitchcock.*—To ascertain the value of the goods we require a jury.

13. If an action is brought for rent, and that judgment goes by default, is there not a reference to you ?

Master *Bushe.*—No ; judgment is marked at once. We first examine is the affidavit of service duly made, then one of the rules of the Court requires an affidavit of the sum due to be filed, and upon that we mark judgment at once. There is no intermediate duty except to see that the writ has been properly served.

14. We have the number of references to ascertain the amount of debt between plaintiff and defendant. About how many references have you which would include security for costs ?—At a rough guess, I would say about fifteen cases for security for costs, and the sequestrations which come to me more than to the other Masters. Where there is a return of *nulla bona* of ecclesiastical goods, a sequestration is issued. It is referred to me to take an account of what the sequestrator has received, and to certify his account. Sometimes, in a case of that sort, there are a great number of claims, and I report the sum in the sequestrator's hands.

15. And the order in which it is payable ?—Yes.

16. How many of these had you ?—I had four in this year.

Master *Burke.*—I would say of all that class of cases, perhaps about eighteen or nineteen, including all your Lordship has suggested ; the common references over and above these, of which we have already given the numbers. I exclude attorneys' bills of costs, for in all such cases I have juries.

17. It seems Mr. Bushe has not ?

Master *Bushe.*—I have not. It is not required.

Master *Hitchcock.*—I have no jury in bills of cost cases. I take the best evidence of taxation. It is a mere matter of account.

18. How does it happen you come to differ on the Act of Parliament on the subject ?

Master *Burke.*—I have never tried attorneys' bills of costs without a jury, and I never will, unless the Court compel me. Though the practice of the Queen's Bench may be more convenient, I do not think it is strictly legal.

19. Your attorneys' bills of costs are included in your jury cases ?—Yes.

20. What time do jury cases generally occupy before you ?

Master *Bushe.*—From one hour to four. I have no recollection of adjourning a jury case.

Master *Burke.*—I never did, but once. One case took two days, and no time was wasted.

Master *Hitchcock.*—I have no recollection of ever adjourning a jury case, but I have sat till a late hour of the evening in order to avoid adjourning.

21. What is your number of general references, such as Mr. Burke described ?

Master *Hitchcock.*—I think the references under orders of the Court were four last year over and above these. With regard to sequestrators' accounts, I do not recollect having had one to take for two or three years ; in the last year, none at all. I should think the trifling matters of measuring security for costs, they would be about the same, perhaps, as in the Queen's Bench—about eighteen. These matters occupy so little time they are scarcely worth notice.

22. The jury cases generally occupy three or four hours each case, sometimes a day ?—And sometimes half an hour.

23. Are you able to state about how many days the special references have occupied you during the past year?

Master *Bushe.*—I have seldom been able to dispose of any under two days ; some have taken considerably more. In these cases the Master has to act as judge and jury. In very complicated matters of account the Court generally sends them to me after issue has been joined, directing me to report upon the issues. In the case of Talbot *v.* Cusack, to which I have referred, there are no less than fourteen issues. I have to find on them all, and I am called on, if there is any difficulty in law, to make a special finding, to the Court ; and if there is any difficulty in fact which I am myself unwilling to decide, I am to report it to the Court. The prayer of the motion was that I should be at liberty to impanel a jury. From the way in which the order is worded, if I find difficulty in matters of fact, I have to report the facts specially. I am satisfied I will have to make a report both of matters of law and fact.

24. Putting that one case aside, how long, on an average, have the other cases on which there were no juries occupied ?—Either the whole of a day or a day and a-half each. I keep in a book I have here a sort of summary of the business done.

25. What is the cause of so many adjournments and so much time being taken ? Why do you not go on *de die in diem?*—Sometimes the parties request the adjournment.

26. Why do you allow it ? If you had a jury, and that the case occupied more than one day, you would go on *de die in diem.* Why do you not go on with your references *de die in diem ?* Why do you allow a case to remain twelve months in your office ?—It is not my fault ; the parties are not ready.

27. Why don't you call them up and make a report when they do not appear ?—I will explain that by a reference to the case before mentioned. The action was brought by the plaintiff for the recovery of £31,000 upon an allegation that he, at the instance of the defendant, had taken up bills to that amount for the defendant. The defendant's case was to this effect : That he, as agent for the plaintiff, had advanced sums of money for him, that he had a set-off, and sought to bring in the plaintiff as his debtor. His accounts, as agent over the plaintiff's estate, had not been certified for more than eleven years. The attorneys agreed to go through the accounts, in order to see what items they could come to an agreement upon. They spent four or five months in doing so in my back office. They have only concluded their examination now, so as to be in a state to bring the case before me again.

28. How many meetings had you before you made that order ?—I think I had seven.

29. What were you doing at these seven meetings ? —We were vouching the payment of the bills, every one of which was disputed. The bills were to an enormous amount, and very complicated. A bill for £1,000 or £1,500 would fall due on such a day ; the plaintiff would meet that by paying £300 cash and by putting in renewal bills. On these renewal bills the same process would be gone through, and it was necessary to trace every one of these bills through many months. They were put to strict proof as to every bill, and a great deal of time was occupied in the vouching of the bills and hearing the speeches of counsel.

Superior Courts of Common Law, Ireland.

Evidence as to Official Establishments.

Master Bushe, Master Burke, and Master Hitchcock

30. What intervals were there between the days of meeting?—Not much; about two days.

31. It was formerly a great grievance in the taking of an account in the Master's offices in Chancery that it was gone on with for a couple of hours on one day and for a couple of hours on another day, and so on. To meet that a rule was made that once the Master went into an account he should postpone every other business?—If it would not take too long I would read from my entry-book a summary of that particular case.

32. *The Lord Justice of Appeal.*—That is quite an exceptional case.

33. *The Lord Chief Justice of the Common Pleas.*—What have you done in the other cases?—In the other cases I have generally sat from day to day.

34. How long did they occupy on an average?—I had a case some time ago between Jewish parties in London which occupied three days. I sat continuously at it from day to day.

Master *Burke.*—I would say a day and a-half, on an average, for each case. One cause of the delay partly arises from what some people would consider my fault, and from what I have been led to consider, from office traditions, to be the consideration due to the bar and to the attorney profession—perhaps more than is given in open Court. In other words, I have thought it right to extend more courtesy and to give more time than I would have given if I were acting as a judge.

35. Or than you would have given if you had more business to do?—Certainly. Not having the excuse of very pressing business, and wishing to be as accommodating as I can, and not desiring to inconvenience anyone unnecessarily, I think I have gone too far in giving indulgence. That is partly the cause of the slow progress of cases in my office.

Master *Bushe.*—I have an entry here of the case of Jacob *v.* Bernard, which was referred to me under the 6th section of the Procedure Act, 1856. Mr. O'Driscoll and Mr. Sidney appeared for the plaintiff; Mr. Henn and Mr. Daniel for the defendant. The case took three days—the first day from 12 to 3 o'clock; the second day from 12 to 4 o'clock; and the third was a long day.

36. There was no loss of time in that case; you sat three consecutive days?—Yes; whenever it is possible I go on with the case till I finish it; but sometimes the parties say a particular class of evidence is required, that they have to subpœna witnesses, and to send for documents; or sometimes the parties say, "Perhaps, sir, we will be able to settle this case out of Court, now that we know your views," and then they come back and say they have not been able to settle.

37. Can you say what length of time you have been occupied, Master Burke, in your office, in doing that class of business?

Master *Burke.*—I would say as to my ten cases, that on an average a day and a-half was occupied with each. One might take half a day; another might take four days.

Master *Hitchcock.*—I can answer as Master Burke has done, that without any desire on my own part, adjournments have taken place for the convenience of counsel and the parties. In matters of account there does not seem to be much urgency. Adjournments at the request of the parties have frequently prolonged the investigation of an account that might have been disposed of in a short time, provided the evidence was ready. Sometimes it will occur that some other witness or some further documentary proof is wanted.

38. If you partially go into a case and hear part of the evidence of a witness, and then adjourn, will not that broken sitting be charged as a day on the taxation of the costs by Master Colles?—Whenever we possibly can do it, we complete the examination of the witness on the one day.

39. If there be an adjournment without any business being done, is that attended with expense?

Master *Burke.*—I think it is attended with expense. I think counsel and attorneys should be paid. I feel that it is as much my fault, perhaps, as theirs, that no business is done. If we are to blame for want of despatch, the unfortunate attorney is not to be deprived of his costs.

40. Every day you adjourn because the parties are not ready, or because a witness is required from the country, the expense of every adjournment falls upon the unsuccessful party?—I feel that, and every year I am becoming more peremptory.

41. *The Attorney-General.*—The attorney is paid for his day, no matter whether he attends for half an hour or for five hours?—Yes.

42. *The Lord Chief Justice of the Common Pleas.*—If the plaintiff is sure of ultimately getting a verdict, he is all that time playing on velvet?—I feel that, and if it be really a trumpery meeting, or five minutes or so, I adjourn on the understanding that there are to be no costs. I feel I have gone too far in allowing costs to be imposed on parties from the practice of the office.

Master *Hitchcock.*—I answer to the same effect as Master Burke. I have never adjourned where both parties did not consent without an understanding that the expense of the day should be paid by the party through whose default the adjournment took place.

Master *Bushe.*—I have in one or two cases ruled, which I have the power to do, that if a party applies for a postponement, alleging he will bring forward evidence on the next day of meeting, and fails to do so, I have ruled that he shall pay the costs of the day. I have before me now an entry of the case of Mahon *v.* Gregory, which was rather a troublesome case. It began on the 3rd of July. There was an attendance to take directions. By a sort of mutual application the parties postponed the case. I had this ruling taken down, either party to be at liberty to apply to re-enter the summons. On the 26th of November the summons was re-entered for the 3rd of December, at twelve o'clock. On the 3rd of December it came on; the ruling was against the plaintiff, and I directed that no report should be made up at present, with the view of saving costs, unless the plaintiff, on being made acquainted with my decision, should wish to appeal; if not, the plaintiff to pay the costs when taxed, without any report being made up or judgment marked. In that case the parties said that one or other was under a mistake, and no fraud was alleged at either side.

43. I rather think we have now substantially all the information that can be given respecting that branch of your business, which includes references of all sorts. Besides the orders of reference, and putting supervision out of the case, what substantial business is there to be done in the Masters' offices?—We are there to give information to any one who asks for it. In fact, it seems to be thought we are omniscient.

44. That is, you are living libraries or general instructors for all who choose to walk into your offices?—We have a good deal to do in the money department as regards suitors' money; we have to make lodgments and entries of money, which I do in my own handwriting; and there are the payments out.

45. Whenever a man brings money into Court, saying he owes no more, what do you do as to that money?—I enter it in a book. I give a written order to the bank to receive the money. There is some little delay. We ask him when he comes the object of the lodgment, and we take down the name of the attorney lodging it, the date of the lodgment, the amount, and the purpose for which it is lodged. They very seldom leave the money any length of time. They come in a few days to get it out, and I give the party a cheque for the amount. I make him sign two books; one is a certificate that there is no judgment for the defendant, or peremptory order for costs, the other is a receipt which we keep filed.

46. How many of these lodgments have you had last year?—I think they amount to about 100 in the year. I took home my receipt books the other day, and I see that from April, 1858, about 474 payments have been made.

47. Generally speaking, these moneys are lodged on account of a demand, or they are lodged as security for costs?—Yes.

48. Generally speaking they are lodgments on ac-

count of demands?—Yes; I should say eighteen out of twenty.

49. *The Lord Justice of Appeal.*—You have nothing but a ministerial duty to perform in the matter; you have nothing to do with ascertaining the amount?—No; except that the defendant lodges the sum at his peril.

50. *The Lord Chief Justice of the Common Pleas.*—The plaintiff is in some cases entitled to draw out the money without an order of the Court; but there are circumstances under which he must have an order; for instance, where money is lodged by order of a Judge as a condition of staying execution?—In that case we make an entry in the book that it is to abide further order.

51. These duties, as the Lord Justice says, are all ministerial?—Yes.

52. How many lodgments have you had, Master Burke?

Master *Burke.*—They average ninety-two in the year.

53. How many with you Master Hitchcock?

Master *Hitchcock.*—My attention not having been called to it, I can only make a guess. I would say about the same number as Master Burke has had. The duties are about the same; they do not occupy much time.

Master *Burke.*—I keep a private file of special money orders.

Master *Bushe.*—Whenever money is lodged under order of the Court, it is marked to abide further order.

54. What else is done in the office?—When a defendant lodges money he brings us his pleas, and we give him a certificate.

55. On the margin of the pleas?—Yes; that the defendant has lodged in the Bank of Ireland, with the privity of the Master, to the credit of the cause, such and such a sum.

56. He brings you a receipt?—Yes; we file that, and give him a certificate that the money is lodged to the credit of the cause.

57. It remains there till the plaintiff draws it out?—Yes.

58. *The Lord Justice of Appeal.*—Do all the money orders of the Court pass under the view of the Masters?—All.

Master *Burke.*—That is business done personally, I give my money book to no one.

59. No money is drawn out of Court without the knowledge of the Master?—None except by myself, unless I am unavoidably absent.

Master *Bushe.*—The bank have orders to recognise the signature of the Master or of his principal assistant.

60. *The Lord Chief Justice of the Common Pleas.*—What is the next substantial business done?—I consider myself responsible in every case in which judgment is marked by default, to see that there is a proper affidavit of service, and that it warrants the judgment by default. They are generally brought, in the first instance, into the office of the Principal Assistant and the clerk under him, who examines it. If they have any difficulty about it they come to me for my opinion as to whether judgment should be marked. I consider it, and sometimes refuse to mark judgment.

61. It is only in a case in which the Principal Assistant feels a difficulty that it is necessary to trouble you?—Just so. If the affidavit is one of personal service there is no difficulty. There is sometimes a good deal of discretion to be exercised where the service is not personal.

62. That is to ascertain whether due exertion has been used under the Act of Parliament to effect service?—Yes; and whether there is reasonable ground for thinking the document has come to the defendant's notice.

63. This is under the particular section of the Common Law Procedure Act, which says judgment may be marked without order of the Court where there is no personal service, if certain requisites are complied with. The Master is bound to examine into that. If your assistant feels any difficulty on the subject he comes to you?—Yes. Sometimes the plaintiff's attorney comes to us with a letter from the process-server stating, that on such and such a day he did so and so, and the attorney says, "If this matter is put into an affidavit will you consider it sufficient?" Perhaps I will say no, and to try again; or I may say that if it is sworn I will give judgment.

Master *Burke.*—I always decline to answer such a question officially, but I give such a hint that my opinion may be conjectured.

64. *The Lord Justice of Appeal.*—That is an extra-official proceeding?—Yes.

Master *Hitchcock.*—I quite adopt the answer which Master Bushe has given. The cases are precisely the same with me.

65. *The Lord Chief Justice of the Common Pleas.*—I am aware that if the matter is out of the common course it does require consideration. If it be perfectly plain and clear, and that you have ruled it before, your assistant will do what is necessary, as a matter of course; but if a new case arises, your assistant applies to you. And in every case in which judgment is to be marked by default, it is the duty of the Master, of course, before he gives the certificate of judgment, to see that the writ has been properly served?

Master *Bushe.*—Yes.

Master *Hitchcock.*—If I don't think the service has been satisfactory, I send it to the Court.

Master *Burke.*—I always read, or have read to me, these affidavits, unless I am very much pressed with business, which is of rare occurrence.

Master *Bushe.*—I have a return of the number of cases in my office. The number of judgments entered in the Queen's Bench in 1863 amounted to 2,186. Of these, 745 were entered upon bonds and warrants. The rotatory system, I should say, does not apply to the bonds and warrants, and I should say the number of judgments entered upon bonds and warrants in the Queen's Bench exceeds the aggregate amount entered in both the Common Pleas and Exchequer. They all come to us from old custom. Of the 2,186 judgments, only 106 have been entered through the agency of the Judges of the Court, only six upon demurrer or order, about 100 on postea; all the remainder, amounting to about 1,400, are done through the machinery of the office, and the great majority of these are judgments by default and judgments on Master's report. There are a great number of judgments by default.

66. Are there not a great number by consent?—Not many; a very small proportion indeed. The greater number of these are judgments by default, which are never heard of except in the office. All these are done upon the affidavits of service and sum due.

Master *Burke.*—Default sometimes represents consent. Default on bills is virtually consent, though not technically so.

67. The affidavits must be correct, and you must, of course, see that they are so. You are not prepared to state at this moment what proportion of these require the personal consideration of the Master, and what proportion are of course?—I would say about one-nineteenth are cases of non-personal service.

68. How many of these are not of course, but require the personal consideration of the Master?—I should say at least one-third.

69. That is, in one-third some matter or other arises for consideration?—Yes. I would say that in at least one-third there is always something arising on the affidavit. In the Common Pleas there were only 242 debt judgments in 1863; the others numbered 1,491.

70. I suppose, Mr. Hitchcock, you say substantially the same?

Master *Hitchcock.*—Substantially the same. I cannot at this moment give the number; but in general the Principal Assistant and his clerk are quite competent to examine the affidavit. If a difficulty, an irregularity, strikes him, he comes to me, but that is not of a very frequent occurrence.

71. What is the next class of business done in the Master's offices?

Master *Bushe.*—I sign a great number of the executions and subpœnas. I sign attested copies of the documents. I sign the certificates of satisfaction which go to the Registry Office: certificates of the entry and

existence of judgments which go to Mr. Scriven's office; and when the judgments are satisfied I sign a certificate, which goes to him, and which he enters in his register.

72. Upon what do you act in these cases?—There is a form which is filled up. The attorney goes to one of the offices and fills up this form in duplicate. It is initialed by one of my assistants up-stairs, and he comes to me for my signature.

73. Your signature is ministerial?—Yes; but I am responsible.

Master *Burke.*—I say the same. It is exclusively ministerial. I trust to my officer.

74. Are the officers you trust officers in your own or another department?—I trust the officers of every department.

Master *Bushe.*—The judgments are sometimes registered the day they are entered. The parties go into the Principal Assistant's office and bring the registry forms along with the materials for marking judgment. Mr. Hamilton, my Principal Assistant, or the gentleman under him, sees that these forms agree with the judgment marked. They bring that to me for signature. When they come to register an old judgment already recovered some years back, or to satisfy it they go up to the Record Office, where the officer keeps the judgment books. He compares it and brings it to me for signature.

75. What is the next business?—I take a good number of affidavits.

76. As I understand there are about half a dozen officers in each court whocan take affidavits;—your Principal Assistant, the Clerk of the Rules, and his assistant can take affidavits. If the Master is occupied with other business, there is no necessity why he should be engaged with this duty?—The number is greatly diminished from what it was before the Act of 1844. Before that Act there were the Clerk of Rules and the Filacer, now called the Pleadings Assistant, empowered to take affidavits. The greater part then fell to me.

77. To guard against any difficulty there are now several officers in each who have power to take affidavits. For instance, the Clerk of the Rules is generally in court, and the next under can take affidavits?—I think we have four who can do so.

78. Two or three of whom are always there?—Yes.

79. If you were holding an inquiry you would not stop to take an affidavit?—I take them when they come to me.

Master *Burke.*—I take about one-sixth of them, but practically, Mr. Michael Carey, the Pleadings Assistant, in whose office affidavits are filed, ought to take, I would say, the majority. He is a good attendant. Practically, he and I have the great bulk of the affidavits ultra what are taken by officers in the country.

Master *Bushe.*—The Pleadings Assistant takes the bulk of the affidavits that are filed in his office. I may observe that there is a rule of Court, the wisdom of which I don't see, which makes it necessary to certify you know the party making the affidavit.

80. The reason is, that if a man made a false affidavit and was prosecuted for perjury, he might escape if you said you knew nothing about him.

Master *Burke.*—I always act on very slight knowledge.

81. Though you three take a great number of affidavits during the year, it is not necessary you should do so?—Supposing the office is well attended they ought to come to us last.

Master *Hitchcock.*—My answer is, that there is no necessity for the interruption of the Master's other business to take an affidavit.

Master *Bushe.*—There is one class of affidavits peculiar to the Queen's Bench, which generally come to me. These are not many—about a hundred in the year; that is, bills of sale. I have charge of them. There is an affidavit annexed to them.

82. Your Principal Assistant has power to take it?—Yes.

83. He is virtually in your office?—We have two rooms, with an open door between.

84. Independently of what you have stated, and of supervision, which is a totally distinct matter, what is the next *bona fide* business, if any, that the Master has to do?—I do not know whether the other Masters have the same practice I have, as to signing satisfactions.

85. On your own rolls?—On my own rolls. I do that periodically after every term.

86. What is the meaning of that?—The Record Assistant, when he gets the satisfaction, enters it in his book. It is put by him or his assistant on the roll. I do not sign them one by one. At the end of every term, I take a day or two at them, and sign them by tables-full.

87. Is that signature put on the roll?—The satisfaction is put on the roll. A list is kept. At a particular time I go upstairs, and sign them.

88. That is, ministerial?—Yes.

89. Your Chief Clerk has power to put his signature to it?—He has, if I am not there.

Master *Burke.*—I always sign them forthwith. Last year we had 219 in the Common Pleas.

Master *Bushe.*—I have a great deal more from the accumulation of judgments.

90. The satisfactions and everything connected with them are prepared in the office by the clerks. You ministerially affix your signature to these?—Yes.

91. Before you sign at the end of the term, if a man came into the office to inquire, would he find the judgment satisfied?—He would find the satisfaction at the foot of the judgment, merely waiting for my signature.

92. He would take for granted your signature would be affixed, as a matter of course?—It is entered immediately; but I do not sign till there is a good number together.

93. *The Lord Justice of Appeal.*—The original record is signed?—The record of satisfaction is put at the foot of the judgment.

94. *The Lord Chief Justice of the Common Pleas.*—When you say at the foot of the judgment, is that a separate piece of parchment added to it, or is it at the foot of the judgment roll?—At the foot of the judgment roll.

95. *The Lord Justice of Appeal.*—It merely requires authentication?—Yes.

96. *The Lord Chief Justice of the Common Pleas.*—The officer of the Court will not enter it on the roll till satisfied everything is right. I take for granted if he had any little difficulty as to whether it was right or not, he would consult you?—Certainly.

97. *The Lord Justice of Appeal.*—How do you act, Mr. Hitchcock?

Master *Hitchcock.*—In the Exchequer the Master does not sign the roll.

98. *The Lord Chief Justice of the Common Pleas.*—Who signs them for you?—The satisfactions are under the charge of the record department. The record officer or my Principal Assistant disposes of whatever is necessary to be done. I do not know that it ever was the practice in our court for the officer to sign them at all.

99. Mr. *Orpen.*—In the Exchequer in former times the attorney always signed the satisfaction on the roll. In the Queen's Bench one of the junior Judges went up to the office at the end of the term, and signed the satisfaction?

Master *Bushe.*—That was so. I recollect seeing in the old rules of the Court orders dispensing with that, and directing it to be done by the Master or Prothonotary.

Master *Hitchcock.*—The roll is considered a complete record with us.

100. *The Lord Chief Justice of the Common Pleas.*—What other business, independently of supervision, is done by the Masters?—I really do not recollect anything else at present.

Master *Burke.*—In the Common Pleas I admit about twenty-five attorneys every year. I always read through their affidavits, to see that they have complied with the rules of the Court. I have also an account with the Stamp Office. At the end of every term there is some correspondence with them and with the King's Inns, to see that everything is straight. That business is dwindling away, because the attorneys are now admitted after a regular examination, and not upon the insufficient examination I give. I, in common with

Master Hitchcock, gave up my fees on this head to the Benchers.

Master *Bushe*.—There is a bad practice, I think, connected with bills of sale, and also with respect to warrants under Pigott's Act, 3 & 4 Vict., chap. 105. These warrants and bills of sale are generally given by persons in distressed circumstances. We are able to satisfy judgments without an order of the Court, but with respect to those other documents, the debtor cannot get rid of them, as a record, without applying to the Court for an order. In my opinion, the Master should have power, on a receipt verified by affidavit, to sign the satisfaction piece. When an unfortunate man has given a bill of sale of his furniture, though he manages to pay off the debt, that will remain for ever a record against him, unless he employs counsel to move the Court for an order on the Master to enter satisfaction. The same applies to warrants filed under Pigott's Act. They cannot be got off without an order of the Court on the Master. With respect to lodging money as security for costs, there is an unnecessary rule. In nine cases out of ten, or in the ten cases, a party lodges money, instead of giving security by recognizance. The Master decides on the sum that is to be lodged. The rule of the Court is, that in order to lodge that money, there must be a side-bar rule for liberty to lodge it, instead of giving security by recognizance. I think that is an expensive and unnecessary rule. I think, the Master having ascertained the sum, that rule might be dispensed with.

101. The Bank of Ireland will not take the money without a document from the Master?—No.

102. Therefore it should be done by the Master, without any side-bar rule?—Yes.

103. Is there any other substantial business done in the Master's office?—No other substantial business occurs to me.

Master *Burke*.—I have nothing to add. I have fewer warrants than Master Bushe. I may state that it has been very often complained of—and I humbly think, justly—by the attorney profession, that it is required to make an affidavit in every ordinary case of debt, where there is judgment by default. Men who do not personally know of the debt, and who are obliged to make an affidavit, would prefer making a declaration.

104. Who makes that affidavit?—Anybody. It is generally made by the attorney. If he is very particular, it is made by his clerk.

105. Is it the fact that you will take an affidavit, ascertaining how much is due, without the man stating on the face of the affidavit what his means of knowledge are?—Yes. I will take it from anybody.

106. How is that?—Because I think the words of the Rule are general. Attorneys' clerks have said to me sometimes that they thought it rather hard.

107. As a general rule, what is to prevent the trader making the affidavit?—The plaintiff may be a small trader at a distance. The mere fact of judgment being allowed to go by default is an additional security to the attorney's conscience that the debt is due.

108. A man sued for goods sold and delivered often admits that something is due, but he does not admit that all is due. I really was under the impression that the Master would not take an affidavit as to the amount due unless it appeared on the face of the affidavit who or what the party was making it—whether he had means of knowing that the debt was due; as, for instance, the plaintiff himself, or his clerk, who would say that, being a clerk in the plaintiff's establishment, he had the means of knowing the fact, and that he accordingly made the affidavit. Until now I was under the impression, that when an affidavit of that sort was required the Master should see that it was made by somebody who knew what he was swearing about.

Master *Hitchcock*.—In the Exchequer it is as your lordship says. We will not act upon the affidavit of anybody but the plaintiff, the plaintiff's attorney, or his manager or cashier, as in the case of one of those monster houses.

Master *Bushe*.—Our practice is pretty much the same as Mr. Hitchcock's. We require the party to state on the affidavit his position and means of knowledge. There is another thing done in all the offices, but they are much more numerous with me—that is, the filing of warrants. Every warrant since Easter, 1834, on which judgment is marked, we have regularly filed, with the view of having the warrant produced, when necessary. Under Pigott's Act, copies of warrants are filed, although judgment is not marked; but when judgment is marked by warrant of attorney the original is filed, and kept in a book for reference.

Master *Burke*.—That is done in my record department.

Master *Hitchcock*.—That does not fall personally on the Master.

109. We have now ascertained all the duties of the Masters. We want now to know what are the duties of the Masters' Principal Assistant, as contradistinguished from those of the Master?

Master *Bushe*.—His duties are set out in the schedule to the Act of Parliament.

110. That we have?—In point of fact, he acts for the Master in case of his temporary absence.

111. Supposing both the Master and the Principal Assistant are present, what is his business?—The parties go in indifferently to either to get documents signed. Sometimes I am not at leisure, sometimes he is not, and they go from one to the other. Some years ago, when the registry of judgments took place, between 1855 and 1860, there was an enormous pressure in the Queen's Bench. We had to sit for several days signing.

112. In other words, while you three Masters are here, for instance, any business that would be done by you in your respective offices can be done in your absence by your Principal Assistant?—They do not take references.

Master *Burke*.—All ministerial business he does in my absence.

113. If an execution is to issue, it may be urgently required that the execution should issue before post-hour to-day, and you might be here until post-hour. Therefore, to guard against any difficulty or delay arising from your absence, the offices require to have in them some second person, having power to sign urgent writs?

Master *Bushe*.—Yes.

Master *Burke*.—It is desirable that there should be a second hand for urgent ministerial business.

Master *Bushe*.—I would say it is indispensable.

114. While the Master is in the office the Principal Assistant has nothing to do, unless the Master is occupied with a reference?

Master *Burke*.—Not very much.

115. Have you not each a clerk in addition to the Principal Assistant?

Master *Bushe*.—Yes.

116. What is his business?—With us, he is a most important officer. Every judgment that is brought in is examined by him.

117. He is the first man who acts as Master?—Yes. If a bond and warrant are brought in, he sees that they are right before he marks judgment. He keeps a daily entry of everything.

Master *Burke*.—He is a most important officer.

118. Who is your Clerk?—Mr. Monck.

Master *Bushe*.—Mr. Hamilton is my Principal Assistant, and Mr. Marlow is the Clerk.

Master *Hitchcock*.—Mr. Cathrew is my Principal Assistant, the Clerk is Mr. Legge. They are quite competent to discharge the duties.

119. What do you want with all these gentlemen?

Master *Bushe*.—I have no doubt the office could be worked at present with a smaller staff than we have.

120. We are at present confining ourselves to the Master's office alone?—The only thing is, that if you have only one man, and that he gets ill, you put the Master to great inconvenience.

121. No; because the Chief of the Court has power to appoint a substitute. Mr. Burke's Principal Assistant has applied to me, with Mr. Burke's sanction, during the long vacation, to enable him to go away. Without any order or deputation from me, Mr. M'Causland, the Principal Assistant, has power to do every ministerial act that Mr. Burke has authority to perform. He does not

SUPERIOR COURTS OF COMMON LAW, IRELAND.
Evidence as to Official Establishments.
Master Bushe, Master Burke, and Master Hitchcock

require my sanction, permission, or authority for that. But Mr. M'Causland has been in the habit of applying to me for leave of absence for a couple of months, which I never decline to give. As an incident to giving that leave of absence, I appoint some one by a deputation to act for him in his absence. The result is, that during Mr. M'Causland's absence Mr. Monck can sign every document.

Master *Bushe*.—The same thing occurs in the Queen's Bench. Mr. Marlow has power to act from August to October. I get away about the 10th of August every year.

122. *The Lord Justice of Appeal*.—What is done in your office, Mr. Hitchcock?

Master *Hitchcock*.—Just the same. While on the subject of suggestions, with your permission, I say that I think it would be very wise if power were given to the Governor of Kilmainham Gaol to take affidavits, as well as the Governor of the Four Courts Marshalsea. In fact, the Governor of every prison, as it occurs to me, might, with great propriety, be allowed to take the affidavits of prisoners in his custody. That would save some trouble and great inconvenience to officers here, who have frequently to go over to Kilmainham to take affidavits, because there is no officer there who can do so.

Master *Burke*.—And it would save the expense of taking the officer over.

Master *Bushe*.—Here is a recommendation in the report from which the Masters unanimously dissent. It is founded on the assumption of a thing as a fact which does not exist as a fact. It is stated that inconvenience resulted from the practice of the Masters having juries of only three, and recommending that in all cases there should be a jury of twelve. It does happen that it never occurred with any of us to try a case with a jury of three. A jury of three is where the Master is giving final judgment on a matter of account under the 98th section of the Act of 1853. If he has any difficulty as to the matter of fact, such as whether £10 was paid on a certain day, he may call in a jury of three or not, as he likes best; in point of fact, none of us ever had a jury of three.

123. The Act says a jury of twelve?—The Act says six shall be the jury on inquiries before Masters to ascertain damages. The Act says not less than six shall be summoned in the matter of accounts where a jury of not less than three is allowed.

Master *Burke*.—The 99th section of the Common Law Procedure Act of 1856 is distinct on the subject. It prohibits twelve. I will say that juries of six have done their duty to my satisfaction and also the satisfaction of suitors.

Master *Bushe*.—Section 101 of the Procedure Act of 1853 says that six jurymen shall be empanelled.

124. Then, under the Act of Parliament you have no power to have more than six?—I should say not, and I find six quite enough.

125. Does anything else occur to you, Master Bushe, Master Burke, and Master Hitchcock, to state in relation to the duties of the Masters and their staffs in addition to what has been stated and as contradistinguished from other departments?

Master *Bushe*.—Nothing else occurs to me at present.

Master *Burke*.—You have substantially our duties.

Master *Hitchcock*.—I know of nothing else to state.

126. Who are the Record Assistants in the Common Pleas?

Master *Burke*.—Messrs. Butler, Greene, and Poulette.

127. In your branch of the department, Mr. Bushe, how many clerks are there?

Master *Bushe*.—Mr. Christian, Mr. Ireland, and Mr. Hamilton, junior.

128. I suppose the same number in the Exchequer?

Master *Hitcheock*.—The same number.

129. I should like to know what these three gentlemen in each of these departments have to do?

Master *Bushe*.—They have the care of the entry of judgments in the books.

130. Take the Principal Record Assistant in your office: what actual business does he do in the office?—That is Mr. Christian. He superintends the others, and enters all the satisfactions; he keeps the book of satisfactions and assignments. When executions are coming down to me, he compares and sees that they are correct, and sends them down, with certificates of the sums due; he prepares the tables or lists of satisfactions; he initials the certificates that go to Mr. Scriven's office.

131. What does the second man do?—He actually puts the satisfactions on the rolls and copies of each.

132. What does the third man do?—They all take a share of the business.

133. *The Lord Justice of Appeal*—Is the business of every one of them the same?—It is.

134. *The Lord Chief Justice of the Common Pleas*.—Have you any means of knowing as a matter of fact how much of the day these three gentlemen spend in their office?—I could make a guess.

135. Are the three ever there together?—Yes; there must be one of the three there always.

136. That is, while the office is open; otherwise it would be unattended?—Yes.

Master *Burke*.—Practically, in the Common Pleas, two out of the three are there.

137. Could one man, if he attended regularly, do all the business done *bonâ fide* in the office?

Master *Bushe*.—I would not like to trust it to one. There might be great delay at times to the public.

138. Have you any doubt that two could do it?—I have not.

Master *Burke*.—I think one could do it at all times in the Common Pleas. There is something in this, that only two gentlemen in the Common Pleas really know the old Latin court-hand. I believe there is no one in the other Record Courts knows it. These two gentlemen are my senior record assistant, Mr. Butler, and his assistant, Mr. Greene. When a copy is required with a view to investigation of title, for the Lords or otherwise, these gentlemen have to do writing-clerks' work. I could not, under the Act of Parliament, compel them; but to oblige me they do it.

Master *Hitchcock*.—The only court-hand we have to do with is in reference to the ancient records transferred when the equity side of the Exchequer was abolished. We have a very talented young man, indeed, for that duty—Mr. Vivian Yeo. He is so clever in deciphering the ancient records that he is frequently called on to do business of that nature not belonging to the department.

139. You all concur in this, that if it were advisable to have only two gentlemen, they would be able to do the business if they wished to do it?

Master *Burke*.—Decidedly.

Master *Bushe*.—Yes; two could do the business. When the Act of 1844 passed, the staff of the Queen's Bench was not superabundant. There are great differences since. First, the general amount of business is diminished since the Procedure Act made it much more short and simple; and the rotatory system has reduced the business of the Queen's Bench very much. When I first came into office in 1830 the Exchequer was doing as much business as the other two Courts put together. The business gradually increased in the Queen's Bench, and, in the time of the Process and Practice Act, the Queen's Bench was doing a great deal more than the other two Courts put together, particularly in the years after the famine—1846, 1847, 1848, and 1849. The entire business of the country came into the Queen's Bench during the pressure of the famine. The number of judgments entered in the Queen's Bench in those years was enormous.

140. It was in consequence of the Common Pleas doing little or no business at that time that the rotatory system was introduced. Now, though there may be a greater number of judgments entered in one Court than another, I know of my own knowledge that the *nisi prius* business done in each Court is substantially the same in the number of cases, though there is sometimes a few more in one Court than another; and though there may be some cases in a Court that will occupy more time than cases in another, substantially we are all about the same length of time doing *nisi prius* business?—In the years just before the rotatory system we were choked with business in the Queen's Bench. I had seventeen writing clerks at that time, and could not get the business done.

Master *Burke.*—I have ascertained the matter your Lordship was speaking to me about. With your permission, I will read the letter. [Reads letter, 1st July.]

"Treasury Chambers,
"1st July, 1852.

"SIR,—I am directed to state that my Lords incline to the opinion, that instead of augmenting the charge of writing, it would be more expedient for the public service that the writing clerks in each of the three courts should be allowed a small fixed salary as well as a sum of 1½*d.* per office sheet for writing,

"My Lords would be glad if you would confer with the Masters of the other two Courts upon the subject, and would jointly report to this Board the number and names of the writing clerks at present employed in each of your offices, and what amount of salary it would be reasonable and just to allow to each clerk in addition to his earnings for writing at the rate of 1½*d.* per office sheet, for their Lordships' further consideration, in the event of its being deemed desirable to carry such a proposition into effect.

"I am, Sir, your obedient servant,
(Signed) "GEO. A. HAMILTON.

"Chas. G. Burke, Esq.,
"Four Courts, Dublin."

Master *Bushe.*—We have considered the subject, and are of opinion the Pleadings and Record Departments might be consolidated. I have always been of opinion that the distinction between the Pleadings and Record Departments was absurd and useless. I would have one Record Department, in which pleadings and judgments, and everything else might be kept. We could do that with one head and two juniors less.

Master *Burke.*—I am of the same opinion; assuming the Masters to be continued as they are; assuming a Master for each Court, I agree with Master Bushe, that my Principal Record Assistant and the Pleadings Assistant's offices, could be fused, and the duties performed by one, and that I could also dispense with at least one clerk.

141. I assume, the Principal Assistant, in case of the absence of the Master, or his being occupied elsewhere, would have power to sign for him. If the English system were adopted, the several clerks, though they might be continued to discharge the duties of one office, would not be regarded as clerks merely in that particular department, but would be general clerks for doing all the business of the Court.

Master *Burke.*—There would be the fusion of three heads into one, and deducting one clerk, all the others would be associated in one department.

142. *The Solicitor-General.*—Deducting one clerk from each department?—No; I think we could deduct two heads and two juniors.

143. *The Lord Chief Justice of the Common Pleas.*—What two would you deduct?—I am not thinking of names or persons. I would deduct the Principal Assistant and the Pleadings Assistant, and call the one retained, say the Record Assistant. I would make him my principal assistant, to look after all the pleadings, all the records, and all my own department.

144. How many would you leave in the pleadings office, irrespective of him?—I do not think there should be a separate pleadings office; but there would be two for the business done there.

Master *Hitchcock.*—There is a suggestion that the English practice of delivery of pleadings should be adopted here. If that were done, it would greatly diminish the business of our pleadings department.

Master *Bushe.*—There is a recommendation which I did not clearly understand how it could be carried out, that writs not proceeded on should be annulled. Some thousands of plaints are issued and served. They are then brought into the office and filed. They must of necessity be indexed and entered in a book, so as to be got at at a moment's notice. In five cases out of ten the parties settle out of Court, and yet the writ remains on the file for ever, and there has been the work done of entering and indexing it. I am informed that in England these pleadings are never brought into the office till the party is entitled to mark judgment. The consequence is there are no pleadings in the office till judgment is marked.

145. That is what we have recommended.

Master *Bushe.*—You have used the word "annulled."

146. *The Solicitor-General.*—The meaning of that was to put an end to the writ if no proceedings were taken on it, not to allow it to stand as a writ. Suppose it is issued, it remains there, but the intention of the Commissioners was that the writ should be annulled if proceedings were not taken on it within a certain time.

147. *The Lord Chief Justice of the Common Pleas.*—I understand that to mean that the writ ceases to have any practical existence. It is not burned, but nothing can be founded upon it?—With the view of saving the work of one or two men, I would suggest the adoption of the English practice, not to bring in the pleading at all until the party was entitled to mark judgment.

148. Unless the party brought the judgment to you to be marked within the time at the expiration of which the writ would be annulled, you would tell them to go about their business. Our recommendation is that the pleadings are never to be filed at all, till they want to make up the record?—That answers my objection.

149. *The Solicitor-General.*—Assuming the English practice were adopted—which we have recommended—that the pleadings should not be brought in till judgment was marked, of course you will take that into consideration in recommending the reduction of clerks?—Suppose 200 writs are to be served, all these are to be entered in a book and indexed. All that trouble would be saved if they were not brought in till the party was ready to mark judgment, for in the majority of cases the party pays the money on being served.

150. *The Lord Chief Justice of the Common Pleas.*—Have you read the suggestions made by Mr. Yeo?—Yes.

151. He makes many suggestions. He suggested that the Clerks of Rules should be Masters, that the Masters should do their duties alternately, and that they should have the taxation of costs, and a great many things they do not do at present. What is your impression as to how these changes would work?

Master *Hitchcock.*—Speaking for myself individually, I should be very glad, indeed, if any change could properly be made that would promote the Clerk of Rules. I think him a very important officer. But these proposals would only lead to confusion. It would be a change for the sake of change, producing a great deal of inconvenience without any adequate public advantage. With regard to the taxation of costs, I think that would be a retrograde movement. The present system of taxation by a distinct officer was adopted, after very mature deliberation, by the Commissioners who sat a long time ago.

152. We are all satisfied there is a great advantage in having an officer for the taxation of costs only. There is uniformity, and certainty, and no unnecessary delay?—None. We have discussed this amongst ourselves, and we are all of opinion that the carrying out of these recommendations would not tend to the public benefit.

Master *Burke.*—Suppose Mr. Bushe was told to go down to Court for a month in the middle of a case like Talbot *v.* Cusack.

153. Does it occur to you that there could be any diminution of the staff in the Rules Department?

Master *Hitchcock.*—I think, as regards the Court and the public, the Rules Department is an important department. It requires to be well and sufficiently officered, and it ought to be kept, no matter what changes are made, perfectly distinct, as belonging to the Court.

Master *Burke.*—They have more manual work than we all put together. With their own hands they copy orders, which we do not.

Master *Hitchcock.*—I should wish to take the opportunity of your personal indulgence to make an observation. Respecting some changes, particularly that of 1844, I was blamed—not justly, but in ignorance—for having attempted to take away from the Judges the patronage which they were supposed to enjoy. I happen to have in my pocket the draft of the Bill as it was first printed. If you will allow me, I will show you how I was ordered to alter it afterwards. The patronage was given to the Chief Justice by the first print of the Bill. It was stopped in Parliament on

account of that. The Lord Lieutenant represented that it was taking away his patronage.

154. *The Lord Justice of Appeal.*—What was the date of that?—1842 was the date of the first print of the Bill.

Master *Bushe.*—The only person who had reason to complain of loss of patronage by that Act was myself. There were four offices in my gift up to that time of £500 a-year each, and another of £200 a-year, and small offices. The 1 & 2 Geo. IV., cap. 53 was the Act regulating the patronage. All the officers held at the pleasure of the Prothonotary. When I came into office I could have put out the gentlemen I found in office and put in my own friends. I did not do so; but, in case of vacancies arising, I should have appointed. The right was taken away from me without any compensation.

155. It was the same in the other Courts?—Yes; but the Masters of the other Courts took office under the new system.

156. *The Lord Chief Justice of the Common Pleas.*—Under the Act for the acknowledgment of deeds by married women there is a provision that the Chief Justice should appoint commissioners for taking their acknowledgments here and there, and appoint a person for the custody of the acknowledgments. They are all filed in the Common Pleas, as distinct from the other Courts. It was stated, and properly, at that time that there was no business in the Common Pleas at all; and Chief Justice Doherty, pursuant to the provisions of the Act of Parliament, directed that the Clerk of the Rules should be the person to transact that business. That business is now transacted in the Rules Department. I believe, as a matter of fact, if there be one department more worked than another it is the Rules Department. These acknowledgments are all substituted for the old fines, and whether the business increases *de anno in annum*, you must have the business of every year preceding to go through in making out title or anything of that sort. Would it be advisable to constitute that a separate department in itself?

Master *Burke.*—I think that ought to be done. I think the Chief Justice of the Common Pleas ought to be empowered to appoint a separate person to perform that duty. At present there is only one to do it, Mr. Greene, who has not sufficient leisure.

157. *The Lord Justice of Appeal.*—What is the authority of the person who now performs that duty for doing it?—The authority was given by Chief Justice Doherty when there was little business in the Common Pleas. The case is different now. The business of the Common Pleas has since increased. The business in reference to the deeds of married women is annually increasing. We have no room for the documents in the Rules Office; and with great respect, they are a great nuisance there to the public and the Court.

Master *Hitchcock.*—I think it is amongst the duties enumerated for the Clerk of Rules in the Act of 1844.

Master *Burke.*—Master Hitchcock is right; but it was a mere temporary arrangement. The Court had then very little to do, and appointed Mr. Joseph Reid to perform this duty. Mr. Reid was to perform the duties of the office, which then were almost nil, and also the duties hitherto performed by the Clerk of Recoveries, there having been originally a clerk in respect of recoveries, &c. I am now Clerk of Recoveries; the Clerk of the Rules is fully employed. In truth, there is no proper public officer in Ireland to perform this duty in relation to the acknowledgment of deeds by married women, nor is there a proper place for keeping the records connected with them.

158. Mr. *Orpen.*—Are these acknowledgments copied into any book?—They are entered according as Mr. Greene has time.

159. *The Lord Chief Justice of the Common Pleas.*—These documents should be indexed and entered. At present there is an accumulation of these documents for thirty years, and they are further increasing every year. I think the increase *de anno in annum* is greater than formerly, owing to the sales in the Landed Estates Court. I judge that from the number of commissions I am called on to sign to be executed in different parts of the country and in England. These should be brought into the office. They should be regularly recorded. If not otherwise objectionable, I think it would be advisable that the head of the department should have the power of taking the acknowledgments; that he should be a responsible person by whom the duty would be performed. At present they are obliged to go to the Judge to take them when the parties say they are unable to pay the expense. In such cases I take them myself, and there is no expense upon the parties. I consider that, to a certain extent, this should be a separate department?—I have no doubt it should be a separate department.

160. We wish to have a separate statement, in writing, from each Master as to the reductions he considers might be made in his department.

Master *Hitchcock.*—I have talked the whole subject over with the other Masters with a view to this meeting. Since that conversation I was confined to my house by illness, and fearing I might not be able to wait upon the Commissioners to-day, I have put in writing some of my thoughts on the subject. I will ask your permission to allow me to hand in the paper.

161. We will take it with pleasure, but from the line of examination, and from what has been said on this occasion, it may be that the Masters would, on further consideration, see reason to add to or alter that paper. It might be more satisfactory to you to hand it in as the result of your further consideration and inquiries.

162. *The Lord Justice of Appeal.*—It would be satisfactory if the paper were handed in as the result of conference amongst the Masters.

Adjourned.

---

2. Minutes of Evidence.—Part II.

Office of Commission, Four Courts, Dublin, Monday, January 18, 1864.

Present:—The Lord Justice of Appeal (in the Chair); the Lord Chief Justice of the Common Pleas, Baron Hughes, R. J. T. Orpen, Esq., and W. Neilson Hancock, ll.d., Secretary.

William MacDougall, Esq., Clerk of the Writs and Seal, examined.

1. *The Lord Chief Justice of the Common Pleas.*—We have before us your report, in which are stated the duties prescribed by the Act of Parliament to be performed by yourself and the assistants in your office. But we want to know, as a matter of fact, what portion of the business is actually done by each person in the office, commencing with yourself?—We all join in doing the business.

2. That is what we want to understand—how can all do the one thing at the same time?—In the first place, we all receive the writs to seal.

3. As to yourself—what is your own attendance latterly?—Very regular.

4. What do you call regular?—Every day.

5. For how long each day?—Two or three hours.

6. What time do you arrive in the office?—Generally at twelve o'clock, or half-past twelve.

7. When we investigated before, there were statements made that you were not there at all?—That was not true; but I was very irregular. You must be misinformed if anyone says that I am so now.

8. Is there any mode in which to ascertain the hours at which you and the clerks arrive in the office and leave it?—There is not.

9. There is no book kept showing the hour at which each comes and goes?—No.

10. Or whether you are all there together?—No record at all. My attendance has been regular, and so is that of every clerk in the office; it is always open at the hour specified, and never closed until the hour specified.

11. The staff consists of yourself and three others. As a general rule, at what hour do you come to the office?—I don't generally go there till half-past twelve o'clock.

12. What hour is the office open?—Now it opens at eleven o'clock. Sometimes at half-past ten o'clock.

13. Is the hour for the opening of the office regulated either by Act of Parliament or by rule?—Not by Act of Parliament.

14. Is there any rule on the subject?—I don't think there is any rule. We open at whatever time the Masters open, and we never close till after the Masters close. They are regulated by Act of Parliament; we follow their hours.

15. What are the hours at present?—We open at eleven o'clock, and close at four o'clock.

16. What time are you generally there?—I generally arrive there at from twelve to half-past twelve o'clock.

17. Up to what hour do you remain?—Up to about half-past two o'clock.

18. That is an attendance of about two hours, or two hours and a half?—Yes. I am sometimes longer. I am generally there that time.

19. From half-past twelve till half-past two o'clock?—Yes; that is the busiest time of the day.

20. If that were punctually kept, it would be an attendance of about two hours daily. State what duties you generally do while in the office?—I receive writs and seal them.

21. Suppose an attorney or his clerk goes into the office with a writ to be sealed, what is the process?—I am there, or Mr. Battley, and another assistant, or the four of us; two are generally employed entering, another goes forward to receive the writs; they come in sometimes as fast as we can receive them.

22. I am asking you now with respect to the duties of one person; let us suppose yourself. You are there at half-past twelve o'clock. Suppose a person comes in with a writ to be sealed, what is done?—It is immediately taken from him.

23. By some one of the officers?—Yes, or by me, if I am the first to catch his eye. We take it, examine it with the docket, and if all right stamp it for the Court it is issued in, seal it, and put the docket on the file.

24. You affix the common seal to it?—Yes. The common seal of the Court.

25. What do you call the dockets?—The dockets lodged contain the short particulars of the writ handed in. We examine the docket with the writ handed in, see that it is correct, put it on a file, seal the writ and hand it back.

26. In point of fact, the work that is done in relation to a single writ is done, from its very nature, by one person?—Certainly; except the entering afterwards.

27. That is what I want to come to. It is the officer's duty to compare the writ with the docket that is brought in by the attorney?—Yes.

28. Then as soon as it is found to be right it is sealed?—Yes.

29. It is then handed back to the attorney, and the docket is put on the file?—Yes. It is not correct to use the word "compare." The docket is only a correct abstract of the writ.

30. As I understand, the docket must be prepared from the writ. You see that it contains what ought to ultimately appear in the book?—That is quite so.

31. The writ is brought in, examined, and seen to be correct, and then it is sealed?—Yes.

32. I would like to see a file of these dockets, in order to see the length and form?—There is only the date, the plaintiff's name, the defendant's name, the name of the Court, the cause of action, and the amount sued for, and the attorney's signature.

33. Send for a file of the dockets.—Yes.

34. How soon after that are they entered in a book?—There are three books to be kept, besides the Attorneys' Licence Book; each assistant takes charge of one. Formerly the writs used to be entered at once, but since I have been required to make returns for the Judicial Statistics collected by Government, I have arranged differently, and in order to facilitate future returns, we now sort the writs, and put all that are up to £20 in one lot, from £20 to £40 in the next, and from £40 to £100 in the next, and over £100 in the next, and writs without any sum last; this is done for each Court. We sort the writs after judgment in the same way. We can not go on entering till after twenty-five are in, generally not till next morning, especially if there is a great pressure, as there has been for the last fortnight. The work now is such, that I have had a clerk for the last fortnight, entering in the attorneys' licence book every night. I pay him myself.

35. How is that?—The attorneys' licences are all entered at this time of the year. From the 6th of January 1,200 come in in a week or ten days.

36. You enter all the attorneys' licences in your office?—Yes. It would be impossible to do it and the ordinary work at this time of the year (the Term time), without assistance. I employ a clerk myself, outside the ordinary staff, to enter up that book every night during that period.

37. How is he paid?—I pay him myself.

38. Is it by the Act of Parliament that the duty of entering the attorneys' licences is imposed upon you?—Yes, entering and registering attorneys' licences. There are other periods of the year preceding each term that it is practically impossible one could enter up the writs of each day.

39. Our object is merely to know the routine of the office?—From the 6th of January out (from the opening of the Courts) there is a pressure. One day there were 200 writs issued; and only for the docket system it would be impossible the attorneys could get the writs on the day. I will send for a file of dockets of summons and plaints.

40. My object at present is to inquire in relation to summons and plaints alone. To keep them distinct, do you number the dockets as you receive them?—We issue them twenty-five in rotation to each Court. We do not number every one of them; but when we come to anything like twenty, we put a number on the last, to show how we stand in that court. We post up in the room the Court we are in, and the day of the month; then the attorney has nothing to do but look at that, and see what Court we are in. We change that the moment the Court is full. Sometimes a man will come in with four or five, and we have only two or three open in a Court. We fill that Court, and begin with the next in rotation.

41. Confining the business to summons and plaints, how many could do the work, supposing they were inclined, and that you did work yourself?—If you choose to keep the profession standing at the counter, one man could do it, because he would only have to keep them the longer, but not in office hours. He would have a string, maybe, of twenty people waiting. They come in sometimes, from the Revenue particularly, in large numbers. Sometimes there are perhaps twenty, or thirty, or forty Revenue writs at once. Others bring in six, or seven, or eight, or more. If you refer to the return which I gave Dr. Hancock, you will find that the number of writs and licences which were sealed and entered last year was something like 25,000. In the summer vacation there is comparatively nothing doing. In the business months of the year we entered and sealed about 24,000 writs. We had about 200 writs of summons and plaint the first day of this term.

42. How many summons and plaints were there on Saturday last?—I should say seventy. I do not enter them myself. There is scarcely a moment of the day that there is not somebody either having a writ or licence entered or waiting to have it entered during the period referred to.

43. Then, in point of fact, there is no difference in

the work done by yourself and the other persons in the office?—None, except this, that I am never there the first in the morning. I never opened the office but once, and never closed it. I am never there as early as the others, and I do not write up the books.

44. Do the others, as a general rule, remain there till all the business is done?—Yes; one or more of them until the hour for closing the office. (*Produces files of dockets*).

45. These dockets are for this day, the 18th of January?—Yes. The name of the Court is at the head of the docket. Anything not over £20 is put, with a view to future returns, at the bottom.

46. This Common Pleas file has a docket for £145 at the bottom?—They are not sorted yet. They will be sorted before being entered.

47. *The Lord Justice of Appeal.*—This file before me is for the Courts indiscriminately?—Yes, indiscriminately; that is the file of dockets of writs after judgment.

48. *The Lord Chief Justice of the Common Pleas.*—It would seem from the dockets in this bundle before me, that if, for instance, there be a bill of exchange and goods sold and delivered, no more than one docket is put in for the two?—If there are two causes of action, they put them in. It is not often they combine two causes of action under the one summons and plaint. We do not look into the details of the writs. We look at what the attorney returns. We conceive by his signature the docket must be correct. It binds the attorney, and we examine the docket with the writ.

49. Was there not an action brought against you in reference to a docket?—Yes.

50. You insisted he was bound to give you a docket?—Yes, my first assistant did.

51. He insisted he was not?—Yes.

52. The question was, whether you could refuse to seal the writ for him, if he would not give you a docket?—Yes.

53. There was no decision on it?—No. But the profession find it so much for their convenience, that they give the dockets.

54. Mr. *Orpen.*—There is no law for it, but to avoid delay the attorney gives in the docket?—Yes. If they did not, they would have to stand waiting in the office for hours, when there would be a pressure of business, as for instance on the first day of term, when 200 writs were issued.

55. *The Lord Chief Justice of the Common Pleas.*—The dockets facilitate very much, otherwise you should make the entry in the book from the writ before sealing it?—Yes. The entry in the book is no evidence against the attorney at all; but if you have his docket signed by himself, it is good evidence against himself as to the contents of the writ. The dockets have been called for by the Courts various times, as evidence of what was in the summons and plaint.

56. That is, where it is alleged there has been an alteration?—Yes. The other day an attorney altered a plaintiff's name. We referred to the docket, and found it had been altered. The docket is useful in more ways than that. If writs of summons and plaint are brought back altered, we refer to the docket, and check the thing at once. We see whether or not the writ had passed the seal before in that form. The writ was, in one case, all scratched, even the seal.

57. *Baron Hughes.*—Is there any additional charge according to the number of defendants?—No charge at all.

58. Is there any fee paid?—No.

59. Mr. *Orpen.*—Nor is there any thing paid to the attorney for preparing the docket. It is done for the officer's convenience. I never knew before that it was done for the purpose of convicting the attorney in case he acted wrongly.

60. *The Lord Chief Justice of the Common Pleas.*—I remember that Mr. MacDougall suggested to us, at one time, the propriety of making a rule requiring dockets to be given, and we could not agree?—Three Judges signed it. One Judge more would have been sufficient to make the rule. Baron Greene, Mr. Justice Ball, and the late Judge Jackson, signed.

61. You could not get a Chief to sign?—I asked the Chief Justice of the Common Pleas and he refused.

62. Mr. *Orpen.*—Is there a rule as to the dockets?—No; Baron Greene said he thought I had authority to do it as head of the office. If a man came in and said he would not give a docket, we would fill a docket from the writ, seal it, and give it back to him, rather than abandon the docket system. This has been done with one gentleman who was particularly inclined to be disagreeable, but is not so now. As we are on the subject of summons and plaints, I would suggest that a simple alteration of the teste would be a great improvement, and would much facilitate the office business. The teste is, "Witness the Lord Chief Justice and other Justices of Her Majesty's Court of Common Pleas at Dublin," if we are in the Common Pleas; or the Lord Chief Justice and other Justices of the Queen's Bench, as the case may be. It opens a door to error very often. I cannot understand why the ordinary teste, "Witness the seal of our Superior Courts of Common Law hereto set," would not be far better. I think there is a recommendation in your first report to that effect. Sometimes the attorney has the writ filled up for the wrong Court, and then there is scratching and erasing. That occurs often.

63. *The Lord Chief Justice of the Common Pleas.*—As I understand, when an attorney or his clerk is bringing a writ into your office, he may not know at that time what Court is on?—It is posted up in the office.

64. When he is coming into the office?—No, he may not.

65. As I understand, the attorney or the clerk generally fills the docket in his own office, leaving a blank for the Court?—Yes, generally; and when he comes to my office he fills up the blank with the name of the Court he sees posted up. We print with a stamp at the head of the writ the name of the Court, Queen's Bench, Common Pleas, or Exchequer, as the case may be. We have two seals going, one for the heading of the writ, and the other the common seal of the three Courts.

66. You must have a seal for each Court, and the general seal?—Yes; three stamps and a seal. If my suggestions were adopted, the only place where the name of the Court from which the writ issued would appear, would be at the head of the writ.

67. I remember that at the time you first made the suggestion, we thought obliging you to fill in the Court in the teste afforded an additional facility to the man served, in enabling him to learn what Court he was to appear in?—It is the duty of the attorney to fill in the Court in the teste.

68. And it is the duty of the officer to see that it is in the right Court?—That is done by the stamp at the top, and the attorney fills in the blank for the Court at the bottom when he sees what Court is up.

69. Have we any return showing the number of writs issued daily?—I have a return for every day; I hold in my hand a return for each quarter in each Court. The return includes everything issued. I will give first the return of summons and plaints in 1863:—In the Queen's Bench, for the quarter ending 31st of March, there were 1,650; for the quarter ending 30th of June, there were 1,600; for the quarter ending 30th September, 850; and for the quarter ending 31st of December, 1,471. These are issued in equal numbers for each Court, except that one Court must have something more than the others, but not to a greater number than 25. The total number of summons and plaints in the Queen's Bench for 1863, was 5,571; in the Common Pleas, 5,550; and in the Exchequer, 5,550. Writs issued for revenue, writs of revivor, writs of replevin, inquiries, suggestions, &c., and records, make up a total with all the summons and plaints, of 17,858. The number of summons and plaint issued in all the Courts for sums not over £20, was 5,457; for over £20 and not over £40, the number was 4,390; for over £40 and not over £100, the number was, 3,931; the number of writs issued for sums over £100, was 2,585; writs in which no sum was specified, numbered 308. I may observe that it is very seldom a solicitor is particular as to the Court he issues his writ from.

70. I believe, as a matter of fact, the great bulk of

the profession are indifferent as to which Court they go into?—Generally so, not one out of 100 objects.

71. Generally speaking, where they do ask, is it because of any particular predilection the attorney may have, or because of the case he is bringing forward?—They very seldom ask the question as to the Court. Some men will wait. One man came to us one day when we had only one writ issued for a Court, and he issued twenty-four writs on the spot, in the name of Tom Jones against Bill Styles; he paid for these, and then got his writ for the next Court.

72. How much had he to pay on each writ?—The stamp duty on each is 2*s.*, and then there is about 6*d.* for the parchment. He paid twenty-four half-crowns, and that, I think, was to get into the Exchequer, and out of the Common Pleas.

73. *The Lord Justice of Appeal.*—You went on in succession?—We went on in succession next day with the balance for the Exchequer. There are some curious statistics in the return I have here, showing, for instance, the nearly equal number of writs of summons and plaint issued from each Court for sums not over £20. The number from the Queen's Bench was 1,778; from the Common Pleas, 1,792; and from the Exchequer, 1,887. The number of the same writs for sums over £20 and not over £40 was, from the Queen's Bench, 1,491; from the Common Pleas, 1,449; from the Exchequer, 1,450. For sums over £40 and not over £100 there were, from the Queen's Bench, 1,292; from the Common Pleas, 1,356; and from the Exchequer, 1,283. For sums over £100 there were, from the Queen's Bench, 905; from the Common Pleas, 852; and from the Exchequer, 828. It is not only in these respects the numbers are nearly equal, but the same equality exists in other classes of writs as in executions, which show the number of cases that go to final adjudication. The total number of writs of *ca. sa.* issued from the Queen's Bench in the same year (1863) was 508; from the Common Pleas, 596; and from the Exchequer, 570. Writs of *fi. fa.*:—from the Queen's Bench, 1,126; from the Common Pleas, 1,028; and from the Exchequer, 1,147. Of fiats there were, from the Queen's Bench, 75; from the Common Pleas, 73; and from the Exchequer, 57. Of *habere*, there were, from the Queen's Bench, 213; from the Common Pleas, 201; and from the Exchequer, 187. Of sequestrations there were, from the Queen's Bench, 29; from the Common Pleas, 24; and from the Exchequer, 35. The total number of writs that were sealed and entered in my office last year amounted to 23,727—this is exclusive of subpœnas and attorneys' licences. I could prove every item in this return.

74. *The Lord Chief Justice of the Common Pleas.*—It is very satisfactory to hear these statements of the business done?—There are, besides, 1,226 attorneys' licences entered and registered in a book. With respect to the employment of the Clerks in my office, I would say that whoever may have the patronage ought not to appoint any but a gentleman to the junior clerkship, because of the trust that is necessarily reposed in the officers. For instance, if an order for a fiat came in, an officer, who was capable of so acting, could make £50 by getting on a car and going off to the party against whom the fiat was issued, to inform him of the fact. The appointment of a junior in the office should never be filled by the appointment of any one but a gentleman. I have occasionally, as before stated, a clerk specially employed entering the attorneys' licences, but I would never allow him to enter in the Execution book. My own first assistant has been tempted more than once, in order to get information from him. He told me that if information could be obtained by such means, any amount of money might be had.

Superior Courts of Common Law, Ireland.

Evidence as to Official Establishments.

William Mac Dougall, Esq., Clerk of Writs and Seal.

75. During the business portions of the year there is ample *bona fide* work for you all?—There is more work during the busy portions of the year than we can do in office hours.

76. During the vacations there is not work for the four?—Certainly not.

77. Then, supposing such a thing could be done without injury to the public service, could your staff discharge other duties during the vacations?—Yes. But during the time when there is the extreme press of business the help is not sufficient; and the office hours are pretty fairly proportioned to the business of the period, so that there is a fair share of business at the idlest times during office hours.

78. During the extreme pressure of business there is full occupation for the present staff?—And for a little more. The Attorneys' Licence Book is referred to every hour of the day for the addresses of attorneys. From the 6th of January to the present time the attorneys' licences come pouring in, and those that come in, say to-day, must be written up in the book against to-morrow morning. An attorney will come in to see where the opposite attorney in a case is registered for. That business could not be done in time during office hours, and therefore I engage a clerk to do it after office hours. That occurs once every year for a fortnight. During that time there is more business than we can do; but at other periods we may occasionally read the newspapers, as during the summer months in the long vacation. The books will show that from October, and in November, December, and January we are hard at work.

79. *Baron Hughes.*—And in February for the Assizes?—Yes. At the time of the Assizes we are kept very busy.

---

3. Suggestions with a view to the Consolidation of Offices, submitted, at the request of the Commissioners, by the Masters of the three Superior Courts of Common Law, (Masters Bushe, Burke, and Hitchcock).

Suggestions as to Official Establishments.

Masters Bushe, Burke, and Hitchcock

Before the passing of the Process and Practice Act, 13th Vict., c. 18, the great bulk of the business of the offices of the several Courts could be transacted only in term time or with reference to days in term, and consequently, at periods the pressure was so great as to require the attendance of a numerous staff of assistants and clerks, a great number of whom were at other periods almost without occupation. Under this Act the restriction as to term days has been removed, and the business being now evenly spread, the necessity for a strong force at particular periods has passed away. Another reason for keeping up a large establishment was the fluctuation of business from one Court to another, whereby the offices of one Court might be temporarily over-pressed, to the delay and injury of suitors, if a sufficient staff were not kept up to meet such contingency. This reason has also been removed by the operation of the Process and Practice Act, which, through the Consolidated Writ Office, distributes the suits equally amongst the Courts.

The inconvenience resulting from the restriction as to term time has been further removed by the establishment, under the Process and Practice Act, of the Consolidated Motion Court, whereby a single Judge of any Court sits as often as occasion requires, at any time of the year, to hear motions for the three Courts; and also by the establishment of the Consolidated Nisi Prius Court sitting continuously during term.

In addition to these changes we have, under the Process and Practice Act, one code of practice for the three Courts, and complete assimilation as to forms of process and pleadings, so that the only difference in the official documentary proceedings of the several Courts is in the name of the Court.

Taking into consideration the consolidations and assimilations already effected, the Writ Office, the Motion Court, the Nisi Prius Court, the Taxing Office, and the uniformity of practice, process, and pleadings, it would seem that there could not be much difficulty

Superior Courts of Common Law, Ireland.

Suggestions as to Official Establishments.

Masters Bushe, Burke, and Hitchcock

in consolidating all the offices of the three Courts, with the exception of the Rules Department, which being necessarily in immediate connexion with the Court must be continued as a distinct department of each Court.

If this consolidation were effected, the staff of clerks at present attached to one Court would be sufficient for the transaction of the mere office business of the three Courts, and it may confidently be calculated that one Master with an efficient assistant, such as the present principal assistant, would be sufficient for general superintendence, and the disposal of all business in the nature of inquiries and references. It has seldom, if ever, happened that the Masters of the several Courts have been at the same time engaged upon inquiries or references, and there could be no difficulty in so arranging business of that nature as to prevent inconvenience.

There is no practical difficulty in the way of the consolidation of the minor offices that may not be obviated.

The chief obstacle that presents itself is the difficulty of concentrating the vast accumulation of old pleadings and records, but as there is in progress a building for a General Record Depository, to which all pleadings and records, not recent enough to be required for frequent reference, could be removed, this difficulty might be only temporary; and if the English system, of not bringing into the office pleadings until marking judgment, were adopted, future accumulation would be considerably diminished.

The two floors now occupied by the offices of the Common Pleas and Exchequer, would be sufficient to accommodate the concentrated offices of the three Courts, and the rooms now occupied as the Queen's Bench Offices could be made the temporary depository of the old pleadings and records, pending the completion of a permanent place of deposit.

The concentration of offices would be a great boon to the attorney branch of the profession, who, having suits in the several Courts, are driven from one building to another to transact precisely the same class of business, at a sacrifice of time and labour for which they are by no means adequately remunerated. The distinction of the filed pleadings and proceedings of the several Courts could be preserved with the same facility as in the Consolidated Writ Office, and the officers and clerks of the concentrated office would be under the control and amenable to the Judges of the respective Courts.

By such a consolidation a considerable saving may be effected, not only without inconvenience or injury, but with actual advantage to the public, as regards the transaction of business.

If however it shall be determined not to consolidate the official staff of the three Courts, but still to effect some smaller reduction of establishment, we are of opinion that, in the event of the practice in the offices being assimilated to that of the offices of the English Courts, one Master with a principal assistant and six clerks, would be a sufficient staff for the offices of each Court; the departmental divisions of record assistant and pleadings assistant being abolished, and the Rules Department remaining as at present.

We beg leave again respectfully to call the attention of the Commissioners to the want of adequate provision for the superannuation of the officers of the Law Courts in Ireland.

ARTHUR BUSHE, M.Q.B.
CHARLES GRANBY BURKE, M.C.P.
R. HITCHCOCK, M.E.

Four Courts,
6th January, 1864.

Suggestions as to Official Establishments.

Christ. N. Duff, Arthur Greene, and Henry Yeo, jun., Esqrs., Clerks of the Rules, Common Law Courts, Ireland.

4. STATEMENT by the CLERKS of the RULES of the QUEEN'S BENCH, COMMON PLEAS, and EXCHEQUER, with respect to their DEPARTMENTS, as requested by the COMMISSIONERS OF INQUIRY.

The attention of the Commissioners of Inquiry is respectfully requested to the position which the office of Clerk of the Rules at present occupies, as regulated by the Minute of the Treasury, bearing date the 29th August, 1854.

That minute was the result of certificates from the respective Courts of Queen's Bench, Common Pleas, and Exchequer, transmitted to the Lords of the Treasury, in consequence of the letter of their Secretary, dated 10th June, 1853, and was made in pursuance of the provisions of the Law Courts Act, 7 and 8 Vic., c. 107, s. 8.

The certificate of the Court of Exchequer dealt with the entire establishment of that court (including the two officers—the Master and Clerk of the Rules—who were not considered in the certificates of the other courts), suggested a general plan for the permanent adjustment of the official emoluments, and certified the opinion of the Judges of that court, under the provisions of the Act above mentioned, as to the relative status which each officer should hold, and the salary which, if that plan should be adopted, each officer should enjoy; and contained, after a minute enumeration of the duties and responsibilities of the Clerk of the Rules, and a contrast between them and those discharged by the Principal Assistant to the Master, whose salary was of the same amount, the following recommendation, viz.:—

"It is obviously essential that such an officer (*the Clerk of the Rules*) should possess qualifications superior to those of a clerk, however experienced. He should be a person of education, and legal skill and acquirements, and accordingly the statute requires, that he, as well as the Master of the court, shall be selected by the Crown. A person holding such an office ought, in our judgment, to enjoy an income which shall enable him to maintain the position and rank of a gentleman; and his official emolument ought to be such as to secure for the office, at all times, the services of a well-trained and educated professional man. We think that for duties which, in England, are paid for by a salary of £1,200 a-year, £1,000 a-year is not more than adequate in Ireland."

This certificate concludes by recommending the salary of £1,000 a-year to the Clerk of the Rules, £600 to his assistant, and £300 to his clerk.

The certificate also recommended an increase of the Master's salary from £1,000 to £1,200 a-year; but the Lords of the Treasury declined to interfere with the Master, and placed the Rules Office on a graduated scale of salary, in the same manner, and as if the Clerk of the Rules were a clerk of the Master, as follows:—

"RULES OFFICE.

"Clerk of the Rules, £600 to £800, by advance of £20 a-year.
"Assistant, £350 to £500, by advance of £20 a-year.
"Clerk, £150 to £250, by advance of £10 a-year."

Subsequently, however, the salary of the Master was increased to £1,200 a-year. The Rules Offices in the Queen's Bench and Common Pleas were left as they had been before the Minute of 1854.

In the year 1855, the Court of Exchequer transmitted to the Treasury a further certificate, having reference to the Rules department, which set forth (after stating the general effect of the Minute of 1854, before mentioned) that—

"The Lords Commissioners of the Treasury, in their minute above referred to, adopting partially some of the recommendations of our certificate, declined to interfere with the then existing salary of the Master of the Court, and apparently treating the Clerk of the Rules as if he were merely an assistant of the Master, and not an independent Officer, declined to allow to him and his two assistants, the emoluments which we recommended.

"Our present object is not to seek from the Treasury a reconsideration of our certificate of the 10th of April, 1854, or of their Lordships' minute of the 29th of August of the same year. At the same time, we feel bound to state, that we adhere to the opinions which we expressed in our former certificate, and we cannot forbear expressing our regret that the effect of their Lordships' minute of the 29th August, 1854, is to lower the status of the Clerk of the Rules, and to reduce the salary to be enjoyed by the officer upon a new appointment—the minute fixing the salary at £600 instead of £800, at which it had been previously settled—that £600, however, to be

increased to £800, according to a graduated scale. This diminution was made without the sanction of the Judges, which the statute contemplates, and may lead to some embarrassment upon a future appointment. But though we think that in the present communication (the first which we have had occasion to make to their Lordships, since the minute above mentioned) we ought to notice this matter, we do not desire unnecessarily to discuss it further now."

The certificate, after stating the transfer of a portion of the Revenue business to the Rules Office, and the increase of duty thereby devolving on the officers, as well as the new duty of attending all the Judges in Chamber, under the Procedure Act, recommended, for special reasons, an increase of salary in that department of £100 a-year to the Clerk of the Rules, and £50 each to his assistant and clerk; and the Treasury acceded to that certificate so far as to grant to the then officers increased allowances by way of compensation, and not as salary, to the amount sought.

The statement in the Exchequer certificate, last referred to, as to the effect of the Treasury minute of August, 1854, on the Rules Office, are applicable as well to the Courts of Queen's Bench and Common Pleas as to the Exchequer.

The consideration of these several documents will, it is submitted, clearly show that, in the changes which have from time to time been made in the offices of the courts of law, the Rules Department has never been sufficiently considered, either in point of position, salaries, or the number of assistants; and it certainly is not encouraging to the officers in that department (whose duties—at the least, as important as any others in the Court—are discharged with as much diligence and assiduity as in any other office) to find their claims hitherto disregarded, although other offices, with analogous duties, enjoy a consideration, both in respect of position and salary, denied to them. The duties performed by the Clerk of the Rules and his two assistants, are, in England, distributed amongst several officers, viz.:—one of the Masters of each Court attending the Court sittings during term, and two clerks of each of the Judges for the despatch of the Chamber business during term and vacation; and as to the Revenue business of the Exchequer, the Queen's Remembrancer—all with adequate salaries and a large staff of assistants; while in this country the Clerk of the Rules discharges all the Court and Chamber business pertaining to his office in person and alone, during the entire year, and also the several duties imposed upon him by the Fines and Penalties Act, 14 and 15 Vic., c. 90; and for these services has a maximum salary of £800 a-year, and his assistant and clerk, £500 and £300 a-year, respectively.

In the Court of Chancery in Ireland there are two Registrars at £1,500 a-year each, and an Assistant-Registrar at £1,250 a-year, with a right of succession to the Registrar's office; and in the Probate Court, two Registrars at £1,000 a-year each; and the Secretary of the Landed Estates Court has also an income of £1,000 a-year.

Is there anything, then, in the nature or duties of the Rules Office, that distinguishes it from these offices, and justifies the Clerk of the Rules being placed on a lower basis than the corresponding officer in England and in other Courts in this country? It is hoped that those who know the working of this department will be of opinion that it is entitled to an equal, and not a less consideration.

With regard to the right of the Master to appoint to the clerkship in the Rules Office, on the occurrence of a vacancy, it does not appear a just or convenient regulation that the Clerk of the Rules should have no voice in the selection of the person who is to co-operate with him in his office, and upon whose efficiency and propriety of conduct, as well as subordination, so much of the due discharge of the duties depends. If the duties to be performed by the clerk were merely matters of routine, the power of appointment would only amount to a question of patronage between the officers; but affecting the conduct of the business in the Court itself, as well as in the office in which the clerk bears his part; and considering the trust consequently and necessarily reposed in him, it would seem that the appointment by the Master—the head of a distinct department—is an undue interference with the rights and responsibilities of the Clerk of the Rules, who is an independent officer, and who had and exercised this right of appointment prior to the year 1844.

In case the proposition at present before the Commissioners, to amalgamate the three Masters' offices, and to have but one Judgment, Record, and Pleadings Office, be adopted, it would appear to be necessary to make provision for the regulation of the only office which would then remain attached to the Court.

It follows from such an amalgamation that the portion of the business now transacted in the Master's department of each Court which affects the proceedings of each Court exclusively, should, for the sake of public convenience and reference, and the proper discharge of the duties connected therewith, be transferred to the single remaining office of each Court—such as consents, which become the rule of the Court when received (with the exception of consents for judgment, which might well be filed and acted on in the Master's office, without the entry of any rule); affidavits upon which rules are made absolute or motions founded. Deeds of submission and awards also should be filed in *each* Court. A similar practice was adopted by the 50th section of the Common Law Procedure Act, 1853, whereby consents to become guardians, &c., for minors or lunatics, and the affidavits connected therewith, are filed in the Rules Office. In the Exchequer, the affidavits for the admission of attorneys, and affidavits generally, where relief is sought against them as officers, are also filed in the Rules Office of that Court.

The whole of the Revenue business in the Exchequer, which, at present, is divided between the Masters' and the Rules Offices, and over which that Court exercises peculiar jurisdiction, should be under its immediate control, and consequently attached, with all its incidents, to the Rules Office.

These changes would necessitate a regulation of the Rules Office in respect to the duties above mentioned, and its staff, which would require a very slight increase, and also an adjustment of the salaries of the officers, with greater regard than at present to the incomes enjoyed by corresponding officers.

It is suggested that the title "Clerk of the Rules," should be changed to that of "Registrar of the Court," as this officer records and registers all the proceedings of the Court.

With regard to the appointments in the Rules Department—if this office be separated from the Masters', and attached to the Court itself, and subjected to its control, it would appear but reasonable that each Court, or its Chief Judge as in England, should have the nomination to the principal office; restricting the choice to those from amongst whom the selection must at present be made; and that the assistants should have a right of succession by seniority, if competent, as at present; and upon the happening of a vacancy in the junior clerkship, the Clerk of the Rules might nominate to that situation, with the approbation of the Court or the Chief Judge.

(Signed) CHRISTOPHER N. DUFF.
ARTHUR GREENE.
H. YEO, Junior.

30th January, 1864.

SUPERIOR COURTS OF COMMON LAW. IRELAND.

Suggestions as to Official Establishments.

Christ. N. Duff, Arthur Greene, and Henry Yeo, jun., Esqrs., Clerks of the Rules, Common Law Courts, Ireland.

APPENDIX M.—FEES on CROWN SIDE of QUEEN'S BENCH, IRELAND.

QUEEN'S BENCH, IRELAND, CROWN SIDE.

Schedules of Fees to Attorneys.

FEES customarily allowed to ATTORNEYS on Taxation of Costs at the Crown side of Her Majesty's Court of Queen's Bench, of which the Clerk of the Crown never having seen or heard of an established or published Schedule, adapts hereto the Schedule of Fees allowed to Attorneys on Taxation of Costs, in Her Majesty's Superior Courts of Common Law, pursuant to the 97th General Order, dated the 11th day of January, 1854.

Not a few of the services here supposed being only possible or occurring very seldom the items are retained to suggest the probable allowances, nor is the Schedule exhaustive.

(Signed) JAMES NAGLE,
Clerk of the Crown, Queen's Coroner and Attorney, and Master of the Crown Office.

Dec. 14, 1863.

	£	s.	d.
INSTRUCTIONS.			
Instructions to proceed or show cause according to nature of case, ... 6s. 8d. or Instructions. Amount to be increased according to special circumstances.	0	13	4
LETTERS.			
Letter, and copy, if sent,	0	3	6
Each additional copy,	0	1	0
WRITS AND PROCESS.			
Of which the most usual being formal are prepared in this office, viz. :—			
Of Appearance—Venire ad respondendum,	0	5	0
,, Capias ad respondendum,	0	5	0
,, (Distringas),	0	5	0
,, Subpœna ad respondendum,	0	5	0
,, Attachment,	0	5	0
Attachment for contempt,	0	5	0
Certiorari,	0	5	0
Habeas Corpus ad subjiciendum,	0	5	0
,, ad respondendum,	0	5	0
,, ad testificandum,	0	5	0
,, ad deliberandum et recipiendum,	0	5	0
Jury Process—Venire facias juratores,	0	5	0
,, Distringas,	0	5	0
,, ,, with clause of view,	0	10	0
Procedendo,	0	5	0
Subpœna ad testificandum,	0	4	0
,, duces tecum,	0	5	0
Prohibition,	—		
Mandamus,	—		
and other special or unusual writs, exceeding the average length (say six folios), the same charges as for pleadings, viz. :—			
Draft, per folio,	0	1	0
Copy (for counsel),	0	0	3
Engrossing,	0	0	6
Abstract of Nisi Prius, first issue,	0	13	4
For each additional issue (at the discretion of the Master), but not in any case to exceed £1,	0	3	4
N.B.—A fee to counsel to be allowed on settling issues in proper cases.			
Engrossing ditto, per folio,	0	0	6
Notice in Gazette, &c., to corporations and public bodies,	0	5	0
Ditto, each copy,	0	1	0
N.B.—The above fees to include all certificates at foot and endorsements, sealing, and all things requisite to complete the writ or process.			
APPEARANCE.			
Appearance,	0	6	8
Drawing and engrossing particulars of set-off, five folios or under,	0	5	0
If over five folios, draft per folio,	0	1	0
Engrossing, per folio,	0	0	6
TERM FEE.			
Term fee,	Not allowed.		
DRAFTS, ENGROSSMENTS, AND COPIES.			
Drawing and engrossing any pleading of six folios or under, including suggestions on record, bills of exceptions, special verdicts, interrogatories, and summary of pleadings, &c. (to include instructions and copies for counsel, when employed),	0	10	0

	£	s.	d.
DRAFTS, ENGROSSMENTS, &c.—*continued.*			
If over six folios, for draft per folio,	0	1	0
Copy (for counsel,)	0	0	3
Engrossing ditto,	0	0	6
N.B.—In cases of difficulty and importance, wherein the pleading is short, an additional compensation for instructions given counsel may be allowed, but within the rule as to cases for advice of proofs, post, No. 171.			
Drawing and engrossing affidavit, when five folios or under,	0	4	0
Copy (for counsel),	0	0	3
Drawing affidavit, per folio,	0	0	6
Engrossing ditto, per folio,	0	0	3
Drawing and engrossing petition, charge or discharge, and copy, five folios or under,	0	6	8
Drawing petition, charge or discharge, per folio,	0	0	6
Engrossing ditto, per folio,	0	0	3
Drawing and engrossing recognizance, or bail-piece,	0	6	8
Drawing and engrossing submission or award, five folios or under,	0	10	0
Ditto, for each additional folio for draft, per folio,	0	1	0
Engrossing ditto, per folio,	0	0	6
Drawing and engrossing consent or undertaking, five folios or under,	0	5	0
Ditto, for each additional folio for draft, per folio,	0	0	6
For copy, per folio,	0	0	3
Drawing and engrossing all necessary certificates, five folios or under,	0	5	0
Ditto, for each additional folio for draft,	0	0	6
For engrossing, per folio,	0	0	3
Drawing and engrossing receipt for money or other matter in a cause,	0	5	0
Filling common bond and warrant,	0	13	4
Drawing and engrossing any ordinary power of attorney,	0	13	4
Copy deeds, under 64 sec. of 16 and 17 Vic. c. 113, per folio,	0	0	6
Drawing notice, six folios or under,	0	4	0
Ditto, for each additional folio,	0	0	6
Copy notice, six folios or under,	0	1	0
Ditto, for each additional folio,	0	0	2
N.B.—The officer to disallow all unnecessary notices.			
Service of notice, rule, or order in Dublin on opposite attorney,	0	1	0
Drawing report, including attendance on the Master, &c., for instructions for his report, and drawing rough draft thereof and of schedules, for each folio, or concluding part of a folio, for so many as the signed report and schedules shall contain,	0	0	6
Engrossing report and schedules, for each folio,	0	0	3
Each copy of an ordinary writ, order, notice, consent, summons, or the like,	0	1	0
All copies of documents not herein otherwise provided for, and for the use of the Court, for each folio,	0	0	3
N.B.—Parchment allowed for pleadings, &c., and other documents required to be filed on parchment.			
ATTENDANCES.			
Attendance and fee on side-bar or other rule, or to make order of Nisi Prius a rule of Court,	0	6	8
Attendance on each motion in Court, or in Chamber,	0	6	8
Attendance on motions on notice, and law arguments, day of hearing,	0	6	8
If judgment given,	0	13	4
Attendance, while motion or cause in the list and not called on, or which not being listed is liable to be moved, each day,	0	6	8
N.B.—This fee not to be allowed for any day on which, by the practice of the Court, the motion or cause is not to be called on.			
Attendance to mark judgment,	0	6	8
Attendance to satisfy judgment, including signing the roll,	0	6	8
Attendance on inquiry or inquisition in Dublin,	1	1	0
Ditto, in the country,	2	2	0
N.B.—These fees to include all attendances for delivery and return.			
Attending opposite party with draft abstract for approval or objection,	0	6	8
Ditto, on record of Nisi Prius, in Dublin, day of trial,	2	2	0
Ditto, each succeeding day of trial,	2	2	0
Assizes fee,	5	5	0

QUEEN'S BENCH, IRELAND, CROWN SIDE.

Schedules of Fees to Attorneys.

ATTENDANCES—*continued.*

	£	s.	d.
For each day of trial after the first,	2	2	0
As between attorney and client, if the attorney employed at the trial be not a practitioner of the county, the client will be liable to pay him in lieu of the assizes fee, for each day necessarily occupied,	2	2	0
Also his actual travelling and other expenses, or in lieu of them, per diem,	1	1	0
Attendance on the sheriff, or his returning officer, coroner, or elisor, with writ and for return,	0	6	8
Attendance on registrar with docket of abstract of record, and to enter cause for trial,	0	6	8
Attendance and docket for registrar, of plea of guilty or consent for judgment given, and that cause will not proceed to trial,	0	6	8
Attendance for postea, if not filed on the proper day,	0	6	8
Attendance to see cause set down for argument,	Not allowed.		
Attendance on officer, with notice of motion,	Not allowed.		
Attendance for, and filling summons to go before officer,	0	6	8
Attendance and docket for Judge or Baron, with notice for new trial motion, or conditional order for setting aside verdict or non-suit, together with the necessary documents,	0	6	8
Attending to examine books for the Judges,	0	6	8
Noting books for the Judges, indexing and endorsing the grounds of objection or exception, including instructions and attendance on counsel for same, if necessary,	0	13	4
Attending to inspect,	0	13	4
Never to exceed,	2	0	0
Attendance before the Master on special reference,	0	6	8
N.B.—To be increased at the discretion of the officer according to the time occupied.			
Not to exceed on any one day,	1	0	0
Attending to amend pleadings under order or by consent,	0	6	8
For all the attendances in the offices of the Courts,	0	6	8
Attending for jury panel,	0	6	8
Attending to obtain names of viewers,	0	6	8
Attendance to strike special jury,	0	13	4
Attending to reduce special jury,	0	13	4
List of forty-eight names,	0	2	0
List of twenty-four names,	0	1	0
Attendance inquiring as to solvency of sureties proposed,	0	6	8
Attendance putting in or opposing special bail or sureties,	0	6	8
Attendance at the Stamp Office,	0	6	8
Attending to settle and pay costs,	0	6	8
Attendance to enter suggestion on the roll,	0	6	8
Attending on a view jury in Dublin,	0	13	4
Ditto, in the country, according to distance, not exceeding (exclusive of travelling expenses) per diem,	2	2	0
Attendance on arbitrators, for each hour when business done,	0	6	8
Not to exceed on any day,	2	2	0
Attending to examine witnesses, not to exceed in any case against the party,	2	2	0
Attending to inspect or exhibit documents,	0	6	8
Attending counsel with briefs, cases, pleadings, specification of demurrer, refreshers, retainers, to appoint consultations, and for certificates: this to include attendance on all the counsel, no matter how many,	0	6	8
Attending consultation,	0	13	4
Attending search for judgment when pleaded,	0	6	8
Attending on summons or adjournment thereof, or on any other matter where it is necessary to take directions,	0	6	8
Attending Judge to settle exceptions, or to sign exceptions,	0	6	8
Attending on officer to produce record from another Court,	0	6	8
Attending Gazette and newspaper offices to insert notices to corporate and public bodies, for the attendance on each paper,	0	6	8
Each necessary attendance not herein otherwise provided for, for the first hour,	0	6	8
If on a public board, for the first hour,	0	13	4
For each further hour on same day,	0	6	8
Not to exceed on same day,	1	0	0
Each necessary attendance on the client, or on any other person by his directions, for the first hour,	0	6	8
For each succeeding hour employed,	0	6	8
Not to exceed on same day,	1	0	0

ATTENDANCES—*continued.*

	£	s.	d.
On appointment of new attorney, for his necessary instructions to enable him to obtain a knowledge of the cause, in ordinary cases,	0	6	8
To be increased when the officer is of opinion the labour deserves it, but not to exceed,	2	0	0
N.B.—This not to be allowed against the party except in cases where the change arises from absolute necessity, not from the voluntary act of the client.			

SIGNING FEE.

Signing consents, admissions, certificates, pleadings, affidavits, reports, or other documents, to be filed pursuant to any statute or rule of Court, or any undertaking to appear and defend, or to go to trial,	0	5	0
N.B.—The signing fee for writs is included in the allowances above made for those instruments.			

SEARCHES.

Search in the office,	0	6	8
N.B.—These searches to be allowed when the time limited for performing the act has expired.			

BRIEFS.

Draft brief for trial, comprising statement of the case, testimony of the witnesses, abstract of documents too long to brief, and necessary observations, for each brief sheet containing six folios,	0	3	4
Copies of ditto,	0	2	0
Copies of necessary pleadings and documentary evidence,	0	2	6
Draft observations and copy for counsel on motion, law argument, or the like,	0	5	4
Copies to accompany ditto, of affidavits, pleadings, and other necessary documents (when they exceed six folios) each sheet containing six folios,	0	2	6
Docket of retainer, refresher, or the like, for the first counsel,	0	3	4
For each of the other counsel,	0	1	0
Copy statement of case for counsel to advise proofs, for each sheet of six folios,	0	2	0
N.B.—The draft of such case allowed where brief for trial not afterwards made. Copies of pleadings, and documents sent with case for proofs must be afterwards incorporated with briefs for trial.			

TAXATION OF COSTS.

Draft costs between party and party, per page, to contain on the average twenty items,	0	1	0
Copy,	0	0	6
N.B.—In costs between attorney and client no draft allowed, nor copy, save that if the attorney had furnished his bill to his client for payment, and he is afterwards obliged to furnish his bill pursuant to the statute, or if he be obliged or requested to furnish extra copies to his client, or to third parties (as receivers in Chancery, &c.), or for taxation, then the extra copies are to be allowed for at the above rate.			
Attendance to tax costs, not requiring summons,	0	6	8
Ditto, on summons,	0	6	8
For each successive hour,	0	6	8
Examining a bill of costs by the attorney opposing it on taxation, for two hundred items, or less,	0	6	8

ENROLMENTS.

On enrolling judgment, or other matter of record prepared by the officer, per roll,	0	5	0

(Signed) JAMES NAGLE,

Clerk of the Crown, Queen's Coroner and Attorney, and Master of the Crown Office.

December 14, 1863.

QUEEN'S BENCH, IRELAND, CROWN SIDE.

Schedules of Fees to Attorneys.

COURTS OF CHANCERY.

APPENDIX N.—OFFICERS, SALARIES, and EMOLUMENTS, in COURTS of CHANCERY in IRELAND and in ENGLAND, with sources from whence such Salaries and Emoluments are paid.

COURTS OF CHANCERY.

CONTENTS.

Page

I. Return as to Court of Chancery, Ireland, ... 97
II. Return as to Court of Chancery, England, ... 98

Officers' Salaries and Emoluments. — Ireland.

I. RETURN of all the OFFICERS of the COURT of CHANCERY in IRELAND, showing the AMOUNT of their SALARIES and EMOLUMENTS,* and from whence such SALARIES or EMOLUMENTS are PAID.

Officers' Salaries and Emoluments. — Ireland.

Officers.	Salaries and Emoluments. £ s. d.	Whence Paid.
Lord Chancellor and Officers.		
Lord Chancellor,	8,000 0 0	Consolidated Fund.
Secretary,	1,000 0 0	Suitors' Fee Fund.
Assistant Secretary,	345 0 0	Ditto.
Purse-bearer,	194 13 0	Fees received by Officer for his own benefit.
Train-bearer,	39 0 8	Ditto.
Clerk in Court,	600 0 0	Fees received in Appearance and Writs Office.
Crier,	422 3 0	Fees received by Officer for his own benefit.
2 Tipstaves,	89 15 6	£40 each, Salary from Fees in Crown and Hanaper Office; £4 17*s.* 9*d.* each, Fees received for their own benefit.
2 Court-keepers,	84 8 0	£24 Salary, out of Incidental Expenses of Court; residue from Fees received for their own benefit.
Hall-porter,	14 3 3	Fees received for his own benefit.
Serjeant-at-Arms, Pursuivant, Clerk of Faculties,	Vacant.†	
Master of the Rolls and Officers.		
Master of the Rolls,	3,969 4 7½	Consolidated Fund.
Clerk in Court (Rolls Court),	600 0 0	Fees in Appearance and Writs Office accounted for to Suitors' Fee Fund.
Secretary to Master of the Rolls	300 0 0	Suitors' Fee Fund.
Train-bearer,	138 9 2¾	Annual Vote of Parliament.
Crier,	120 0 0	Ditto.
Court-keeper,	52 10 0	Ditto.
2 Tipstaves, £40 each,	80 0 0	Fees in Crown and Hanaper Office accounted for to Suitors' Fee Fund.
Lord Justice and Officers.		
Lord Justice,‡	1,000 0 0	Consolidated Fund.
Masters in Chancery and Officers.		
4 Masters, three at £2,769 4*s.* 7½*d.*; one at £2,500,	10,807 13 10½	Consolidated Fund.
4 Registrars, one at £200; two at £220; one at £230,	870 0 0	Suitors' Fee Fund.
Masters' Offices.		
5 Examiners at £660,	3,300 0 0	Suitors' Fee Fund.
4 Assistant Clerks at £375,	1,500 0 0	Ditto.
8 Scrivenery Clerks,	1,192 12 7	£581 5*s.* 5*d.* Salary, and £611 7*s.* 2*d.* Scrivenery Emoluments; both from Fees accounted for to Suitors' Fee Fund.
Registrar to Receiver Master, for auditing County Treasurers', Charitable Bequest Commissioners', and Collector-General of Rates' Accounts.	350 0 0	County Treasurers' Fee Fund (1 Vic., c. 54.)
4 Clerks,	330 0 0	Ditto.
Messenger,	60 0 0	Ditto.
Office-keeper,	40 0 0	£20 from ditto, and £20 from Suitors' Fee Fund.
Registrars and Officers.		
2 Registrars at £1,500 each,	3,000 0 0	Fees accounted for to Suitors' Fee Fund.
1 Assistant Registrar,	1,150 0 0	Ditto.
Chief Clerk,	620 0 0	£560 Salary from ditto; £60 Fees for his own benefit.
Registrars and Officers—con.		
3 Senior Clerks, one at £420; one at £345; one at £330,	1,095 0 0	Fees accounted for to Suitors' Fee Fund.
2 Junior Clerks, one at £170; one at £180,	350 0 0	Ditto.
Additional Clerk,	350 0 0	Ditto.
Cash Clerk,	250 0 0	Ditto.
Clerk of Records,	540 0 0	Ditto.
Assistant to ditto,	220 0 0	Ditto.
8 Scrivenery Clerks,	1,332 8 0	£738 8*s.* Salary, and £594 Scrivenery Emoluments from ditto.
Messenger,	52 0 0	From ditto.
Rolls Office.		
Deputy Keeper of the Rolls,	1,000 0 0	Annual Vote of Parliament.
Clerk of Enrolments,	498 0 0	£490 from Annual Vote; £8 Fees for Officer's own benefit.
Assistant to ditto,	227 0 0	Annual Vote.
Clerk of Pleadings,	420 0 0	£280 from Annual Vote; £140 Fees for Officer's own benefit.
Assistant to ditto,	120 0 0	Annual Vote.
House-keeper,	23 1 6½	Ditto.
Appearance and Writs' Office.		
Clerk of Appearance & Writs,	600 0 0	Office Fees accounted for to Suitors' Fee Fund, and Treasury advances when inadequate.
First Assistant Clerk,	300 0 0	Ditto.
Second Assistant Clerk,	375 0 0	Ditto.
3 Notice Clerks, one at £115; one at £175; one at £185.	475 0 0	Ditto.
Entering Clerk,	155 0 0	Ditto.
Affidavit Office.		
Clerk of Affidavits,	600 0 0	Fees accounted for to Suitors' Fee Fund.
Assistant to ditto,	300 0 0	Ditto.
2 Comparing and Scrivenery Clerks,	200 0 0	Ditto.
2 Scrivenery Clerks,	443 0 2½	Ditto.
Clerk of Recognizances Office.		
Clerk of Recognizances,	267 7 0½	Fees for Officer's benefit.
Clerk,	134 0 0	£104 salary, from Suitors' Fee Fund; £30 Emoluments, from Clerk of Recognizances out of Office Fees.
House-keeper,	4 4 0	From Clerk of Recognizances.
Lunacy Office.		
2 Commissioners in Lunacy,	125 9 4	Fees paid by Petitioners for Commissioners.
Clerk of the Custodies in Lunacy,	405 0 0	Office Fees for Officer's benefit.
Clerk,	156 0 0	£104 from Clerk of Custodies out of Office Fees; and £52 from Suitors' Fee Fund.
Scrivenery Clerk,	107 10 0	£55 10*s.* salary and Emoluments from Clerk of Custodies out of Office Fees; £52 salary from Suitors' Fee Fund.
Medical Inspectors.		
2 in Dublin, one at £34 13*s.*; one at £38 17*s.*	73 10 0	Fees paid by Committees of Lunatics.
30 in places out of Dublin, at from £1 1*s.* to £14 14*s.* each,	108 3 0	Ditto.
House-keeper,	4 4 0	Clerk of Custodies.
Accountant-General's Office.		
Accountant-General,	1,000 0 0	£646 3*s.* 1*d.* from Consolidated Fund; £352 16*s.* 11*d.* from Suitors' Fee Fund.

* The Compensations which a few officers have for abolished offices or change of duties, are not included under Salaries and Emoluments.

† These Officers are entitled to certain Fees by Statute, but as the proceedings on which the Fees are charged have almost entirely ceased, no appointments have been made for many years.

‡ The Lord Justice has a Pension of £3,692 6*s.* 1¾*d.*, as Ex-Chancellor of Ireland.

COURTS OF CHANCERY. Officers' Salaries and Emoluments. Ireland.

Officers.	Salaries and Emoluments. £ s. d.	Whence Paid.
Accountant-General's Office—continued.		
Chief Clerk,	485 0 0	Annual Vote of Parliament.
2 1st Class Clerks, one at £270; one at £320,	590 0 0	Ditto.
1 1st Class Clerk,	265 0 0	Fees in Appearance and Writs Office accounted for to Suitors' Fee Fund.
1 2nd Class Clerk,	160 0 0	Ditto.
2 2nd Class Clerks, one at £135; one at £155,	290 0 0	Suitors' Fee Fund.
1 2nd Class Clerk,	130 0 0	Fees in Office accounted for to Suitors' Fee Fund, under 6 and 7 Wm. IV., c. 74.
Examiner's Office.		
Chief Examiner,	318 13 10	£276 18*s.* 6*d.* from Consolidated Fund; £41 15*s.* 4*d.*, Fees for Officer's benefit.
Chief Clerk,	92 6 2	Annual Vote of Parliament.
Chief Clerk to Second Examiner,*	92 6 2	Ditto.
Examiner's Office—continued.		
3 Scrivenery Clerks,	336 5 7	Salaries, £322 8*s.* from Suitors' Fee Fund; Scrivenery Emoluments, £13 17*s.* 7*d.*, from Office Fees.
Taxing Masters' Office.		
3 Taxing Masters, one at £1,000; two at £800.	2,600 0 0	Consolidated Fund.
3 Clerks, one at £130; one at £180; one at £200,	510 0 0	Annual Vote of Parliament.
1 Messenger & Occasional Clerk,	90 0 0	£40 from ditto; £50 Scrivenery, paid by Solicitors.
1 Court-keeper,	25 4 0	Incidental Expenses, in Annual Vote of Parliament.
Crown and Hanaper Office.		
Clerk of Crown and Hanaper,†	600 0 0	Office Fees accounted for to Suitors' Fee Fund.
1st Clerk,	300 0 0	Ditto.
2nd Clerk,	124 4 8	Ditto.
Scrivenery Clerk,	115 14 4	Ditto.
Solicitor for Minors & Lunatics.		
Solicitor for Minors & Lunatics,	909 3 2	Costs paid by parties under orders of Court.

COURTS OF CHANCERY. Officers' Salaries and Emoluments. Ireland.

* Office of Second Examiner, under 6 Geo. IV., c. 30, vacant since 1856.

† The duties of this Office include election of Irish Representative Peers, transmission of Election Writs for Members of Parliament, issue of Patent Office Commissions, Justices of the Peace Commissions, besides the Petty Bag business.

(Signed), W. NEILSON HANCOCK, *Secretary*.

LAW AND CHANCERY COMMISSION OFFICE,
FOUR COURTS, DUBLIN,
17th March, 1862.

England. RETURN of all the OFFICERS of the COURT of CHANCERY in ENGLAND, showing the AMOUNT of their SALARIES, and out of what FUND such SALARIES are PAID. England.

(*Verified by the Solicitor to the Suitors' Fund, February* 18, 1862.)

Officers.	Salaries. £ s. d.	Out of what Fund Paid.
Lord Chancellor and Officers.		
Lord Chancellor,	6,000 0 0	Consolidated Fund.
	4,000 0 0	House of Lords' Fund.
Principal Secretary to the Lord Chancellor,	1,200 0 0	Suitors' Fee Fund.
Gentleman of the Chamber to Lord Chancellor,	500 0 0	Ditto.
Purse-bearer to ditto,	500 0 0	Ditto.
Train-bearer to ditto,	200 0 0	Ditto.
Messenger or Pursuivant to the Great Seal,	50 0 0	Ditto.
Messenger to the Lord Chancellor during his absence from town,	200 0 0	Ditto.
Porter to the Great Seal,	250 0 0	Ditto.
Clerk in the Lord Chancellor's Principal Secretary's Office,	200 0 0	Ditto.
Junior Clerk in ditto,	100 0 0	Suitors' Fund.
Usher of the Hall,	300 0 0	Suitors' Fee Fund.
Tipstaff of Court of Chancery,	200 0 0	Ditto.
Court Keeper at Westminster,	90 0 0	Ditto.
Stoker to the Courts at Lincoln's Inn,	105 0 0	Ditto.
Master of the Rolls and Officers.		
Master of the Rolls,	6,000 0 0	Consolidated Fund.
Principal Secretary,	1,200 0 0	Suitors' Fee Fund.
Secretary of Causes at the Rolls,	1,000 0 0	Ditto.
Gentleman of the Chamber,	400 0 0	Ditto.
Second ditto and Trainbearer,	300 0 0	Ditto.
Usher of the Hall to ditto,	130 0 0	Ditto.
Porter at the Rolls,	100 0 0	Ditto.
Clerk in the Secretary's Office, Rolls,	150 0 0	Ditto.
Ditto, Junior ditto,	50 0 0	Ditto.
Tipstaff to the Master of the Rolls,	42 0 0	Ditto.
Lords Justices and Officers.		
2 Lords Justices, £6,000 each,	12,000 0 0	Consolidated Fund.
2 Secretaries to ditto, at £400 each,	800 0 0	Suitors' Fund.
2 Ushers to the Lords Justices, at £250 each,	500 0 0	Ditto.
2 Train-bearers to ditto, at £100 each,	200 0 0	Ditto.
Vice-Chancellor of England and Officers.		
Vice-Chancellor,	5,000 0 0	Consolidated Fund.
Secretary to ditto,	300 0 0	Suitors' Fund.
Usher to ditto,	200 0 0	Ditto.
Train-bearer to ditto,	100 0 0	Ditto.
Two New Vice-Chancellors and Officers.		
2 Vice-Chancellors, at £5,000 each,	10,000 0 0	Consolidated Fund.
2 Secretaries to ditto, at £300 each,	600 0 0	Suitors' Fund.
2 Ushers to ditto, at £200 each,	400 0 0	Ditto.
2 Train-bearers to ditto, at £100 each,	200 0 0	Suitors' Fund.
Usher of the two New Vice-Chancellors' Courts,	300 0 0	Ditto.
10 persons to keep order in the several Courts at £80 each	800 0 0	Ditto.
Judges' Chambers.		
8 Chief Clerks to the Judges, at £1,500 each,	12,000 0 0	Suitors' Fee Fund.
1 ditto to Master of the Rolls,	1,000 0 0	Ditto.
16 Junior Clerks to the Judges Chief Clerks, at £350 each,	5,600 0 0	Ditto.
Additional Junior Clerk to ditto, to Master of the Rolls,	250 0 0	Suitors' Fund.
8 Assistant Clerks to the Judges, at £120 each,	960 0 0	Ditto.
4 Porters to ditto, at £40 each,	160 0 0	Suitors' Fee Fund.
Registrar's Office.		
First Registrar,	2,000 0 0	Suitors' Fee Fund.
2nd, 3rd, and 4th ditto, at £1,800 each,	5,400 0 0	Ditto.
5th, 6th, 7th, and 8th Registrars, at £1,500 each,	6,000 0 0	Ditto.
9th, 10th, and 11th, at £1,250 each,	3,750 0 0	Ditto.
Registrar's Senior Clerks.		
2 Clerks, at £800 each,	1,600 0 0	Ditto.
4 ditto, at £600,	2,400 0 0	Ditto.
5 ditto, at £400,	2,000 0 0	Ditto.
3 ditto, at £300,	900 0 0	Ditto.
11 Registrar's Assistant Clerks, at £100 each,	1,100 0 0	Suitors' Fund.
Entering Clerks.		
First at,	335 0 0	Suitors' Fee Fund.
2nd ditto,	300 0 0	Ditto.
2 Bag-bearers to the Registrars, at £150 each,	300 0 0	Ditto.
Office Keeper and Messenger to Registrars in Chancery-lane.	215 0 0 including allowance for servants.	Ditto.
Office Keeper and Messenger to Registrars in Southampton Buildings.	120 0 0 including allowance for servants.	Ditto.
Ditto, under 23 and 24 Vic., cap. 149, for care of Deeds and Documents	80 0 0	Ditto.
Enrolment Office.		
Clerk of Enrolments,	1,200 0 0	Ditto.
1 Clerk to ditto,	350 0 0	Ditto.
1 ditto,	250 0 0	Ditto.
1 ditto,	150 0 0	Ditto.
Clerks of Records and Writs.		
3 Clerks, at £1,400 each,	4,200 0 0	Suitors' Fee Fund.
3 ditto, to ditto at £400 each,	1,200 0 0	Ditto.
1 ditto at	350 0 0	Ditto.

COURTS OF CHANCERY. Officers' Salaries and Emoluments. England.

Officers.	Salaries. £ s. d.	Out of what Fund Paid.
Clerks of Records and Writs—continued.		
1 Clerk at	300 0 0	Suitors' Fee Fund.
3 ditto, at £250 each,	750 0 0	Ditto.
1 ditto, at	200 0 0	Ditto.
4 ditto, at £165 each,	660 0 0	Ditto.
1 ditto, at	160 0 0	Ditto.
1 ditto, at	130 0 0	Ditto.
Report Department.		
First Clerk,	350 0 0	Ditto.
Second ditto,	300 0 0	Ditto.
Certificate Clerk,	230 0 0	Ditto.
Search Clerk,	180 0 0	Ditto.
2 Messengers, at £120 each,	240 0 0	Ditto.
Office Keeper to ditto,	180 0 0 including allowance for servants.	Ditto.
Porter to ditto,	80 0 0	Ditto.
Masters in Lunacy and Clerks.		
2 Masters in Lunacy, at £2,000 each,	4,000 0 0	Ditto.
First Clerk, to ditto, at	800 0 0	Ditto.
2 Clerks to ditto, at £600 each,	1,200 0 0	Ditto.
1 Clerk, at	350 0 0	Ditto.
1 ditto,	300 0 0	Ditto.
2 ditto, at £250 each,	500 0 0	Ditto.
1 ditto, at	200 0 0	Ditto.
1 ditto, at	150 0 0	Ditto.
Registrar in Lunacy Office.		
Registrar in Lunacy,	800 0 0	Ditto.
2 Clerks to ditto, at £350 each,	700 0 0	Ditto.
1 ditto, at	150 0 0	Ditto.
1 ditto, at	80 0 0	Ditto.
Visitors in Lunacy and Clerks.		
2 Medical Visitors at £500 each,	1,000 0 0	Ditto.
1 Visitor, a Barrister,	500 0 0	Ditto.
Secretary to ditto,	300 0 0	Ditto.
Clerk to ditto,	150 0 0	Ditto.
Accountant-General's Office.		
Accountant-General,	900 0 0	Suitors' Fund.
Ditto as Master,	600 0 0	Ditto.
Ditto in lieu of Brokerage,	2,700 0 0	Suitors' Fee Fund.
Chief Clerk to Accountant-General,	800 0 0	Suitors' Fund.

Officers.	Salaries. £ s. d.	Out of what Fund Paid.
Accountant-General's Office—continued.		
2nd, 3rd, 4th, and 5th Clerks to Accountant-General, £800 each.	3,200 0 0	Suitors' Fund and Suitors' Fee Fund.
6th, 7th, 8th, and 9th ditto, at £510 each,	2,040 0 0	Ditto.
10th, 11th, 12th, and 13th ditto, at £340 each,	1,360 0 0	Ditto.
14th, 15th, 16th, and 17th ditto, at £250 each,	1,000 0 0	Suitors' Fund.
18th, 19th, 20th, and 21st ditto, at £190 each,	760 0 0	Ditto.
22nd, 23rd, 24th, and 25th ditto, at £150 each,	600 0 0	Ditto.
26th, 27th, 28th, and 29th ditto, at £120 each,	480 0 0	Ditto.
30th, 31st, 32nd, 33rd, 34th, and 35th ditto, at £100 each,	600 0 0	Ditto.
Examiners' Office.		
2 Examiners, at £1,500 each,	3,000 0 0	Suitors' Fee Fund.
1 Clerk to ditto,	470 0 0	Ditto.
1 ditto,	270 0 0	Ditto.
Taxing Masters' Office.		
7 Taxing Masters, at £2,000 each,	14,000 0 0	Ditto.
7 Clerks to ditto, at £350,	2,450 0 0	Ditto.
7 additional ditto, at £150,	1,050 0 0	Ditto.
Messenger and Housekeeper to ditto.	200 0 0 including allowance to servants.	Ditto.
Petty Bag Office.		
Clerk of the Petty Bag,	600 0 0	Ditto.
Clerk to ditto,	200 0 0	Ditto.
Surveyor of the Court,	80 0 0	Suitors' Fund.
Solicitor to the Suitors' Fund,		
Solicitor to the Suitors' Fund.	1,200 0 0 including £400 allowance for rent of offices, and clerks' salary.	Ditto.
Ditto under Prisoners for Contempt Act, 23 & 24 Vict., cap. 149.	300 0 0	

NOTE.—None of these Officers receive Fees for their own benefit.

February 18, 1862.

(Signed) J. J. JOHNSON,
Solicitor to the Suitors' Fund.

COURT OF CHANCERY, IRELAND. Returns as to Duties and Appointment of Officers.

APPENDIX O.—RETURNS as to DUTIES and APPOINTMENT of OFFICERS of the COURT of CHANCERY in IRELAND.

CONTENTS.

	Page
I. Circular as to the Duties and Appointment of Officers of the Court of Chancery, Ireland, addressed to Heads of Offices,	99
II. Answers thereto, viz.:—	
1. Mark Perrin, Esq., Secretary to the Lord Chancellor,	100
2. Ralph S. Cusack, Esq., Clerk of the Crown and Hanaper,	100
3. W. Neilson Hancock, Esq., Clerk of the Custodies in Lunacy,	102
4. John Hazlett, Esq., General Solicitor for Minors and Lunatics,	103
5. James A. Kift, Esq., Secretary to the Master of the Rolls,	104
6. Thomas Berry, Esq., Clerk in the Rolls Court,	104
7. John Reilly, Esq., Deputy Keeper of the Rolls,	105
8. Hon. Henry Sugden, Esq., Registrar, Court of Chancery,	106
9. Maziere J. Brady, Esq., Clerk of Affidavits,	107
10. Yelverton Dawson, Esq., Clerk of Appearances and Writs,	107
11. James Walker, Esq., Clerk of Recognizances,	108
12. Henry Maturin Quinan, Esq., Chief Examiner,	108
13. Richard Weld Litton, Esq., Examiner to Master Litton,	110
14. William Peters Smith, Esq., Examiner to Master Brooke,	111
15. William D. Murphy, Esq., Examiner to Master Murphy,	112
16. James A. Lyle, Esq., Examiner to Master Fitzgibbon,	113
17. John O'Dwyer, Esq., Senior Taxing Master,	115
18. Thomas Reilly and David Coffey, Esqrs., Taxing Masters of the Court of Chancery,	117
19. Digby Pilot Starkey, Esq., Accountant-General,	118

I. CIRCULAR as to the DUTIES and APPOINTMENT of OFFICERS of the COURT of CHANCERY in IRELAND, addressed to Heads of Offices.

Form of Circular.

FORM OF CIRCULAR.

Law and Chancery Commission Office,
Four Courts, Dublin, —— day of ——— 1862.

SIR,—I am directed by Her Majesty's Commissioners for inquiring into the Superior Courts of Common Law and the Courts of Chancery in England and Ireland, to request that you will make a return showing in detail—

1. The nature and extent of the duties performed by yourself, and each officer in office?

2. The Statutes, Warrants, Orders, or other Authority by which such duties are imposed or regulated?

3. The changes, if any, in the nature and extent of the duties to be performed by each of such officers since his appointment?

4. The statutable or other authority under which each appointment was made, and the person in whom the right of appointment is vested?

I am, Sir, your obedient servant,

(Signed), W. NEILSON HANCOCK,
Secretary.

II.—1. RETURN as to DUTIES and APPOINTMENT of OFFICERS. MARK PERRIN, Esq., Secretary to the Lord Chancellor of Ireland.

COURT OF CHANCERY, IRELAND.
Lord Chancellor's Secretary's Office.
Return as to Duties and Appointment of Officers.
Mark Perrin, Esq., Secretary to the Lord Chancellor.

1. The Lord Chancellor's Secretary's Office is open for the transaction of business during the days and hours prescribed for all the Chancery offices by the General Orders of the Court. In this office all petitions addressed to the Lord Chancellor (except cause petitions, which are filed in the Rolls Office), and also petitions addressed to him as Commissioner in matters of lunacy, under the sign manual, are lodged. They are received from the solicitors by the Assistant Secretary, who keeps a record of each petition, and the order made thereon, and who also keeps an account of all fees payable in the office. The petitions comprise all formal applications to the Lord Chancellor in minor matters, and in lunacy matters to his Lordship as Commissioner under the sign manual; applications under the Trustee Acts, in matters connected with deposits in Court made by railway and other companies, and in other matters under various Acts of Parliament, which prescribe that mode of proceeding; and also for the appointment of Commissioners and Masters Extraordinary for taking affidavits, &c. It is the duty of the Lord Chancellor's Secretary to carefully read each petition, and the several affidavits and other documents in support of the application, and to enter those proofs on the petition; to confer with the Solicitor in cases requiring explanation, and to submit a form of order, according to precedent, to the Lord Chancellor for his Lordship's approval and signature, after which it is the duty of the Secretary to endorse a receipt on the petition; and if a simple fiat or order of reference to the Master should be made, to transmit it to the Registrar's Office, where it remains of record, or if it should be in lunacy to the Office of the Clerk of the Custodies. Petitions directed to be moved in Court, after notice having been served, are returned to this office, and listed for the Court of Chancery or Rolls Court, as the case may be.

It is the duty of the Lord Chancellor's Secretary to attend in the Court of Chancery during the hearing of lunacy petitions, and for the appointment of Commissioners and Masters Extraordinary, and to take down the counsel engaged in the motion, the proofs, and the heads of the order pronounced by his Lordship, in a book for that purpose, which are afterwards fully written out in the petition, and signed by the Lord Chancellor.

All warrants directed to the Clerk of the Hanaper, and signed by the Lord Chancellor, are prepared in and issued from this office; they consist of warrants for appointing, superseding, and reinstating magistrates, for electing and exonerating coroners, for commissions of delegates, and other warrants to the Clerk of the Hanaper. Those warrants are submitted by the Secretary to the Lord Chancellor for his Lordship's signature. The Secretary also procures his Lordship's signature to writs of injunction issued from the Office of the Clerk of Appearances and Writs. Caveats against orders on petitions are received and recorded in the office. It is the duty of the Secretary to apply to the Judges by whom issues directed by the Lord Chancellor are tried for his notes, copies of which are made in this office, and furnished to the parties applying therefor.

The sums received by the several officers for the Chancery Box Fund Charity are collected by the Secretary, and lodged, together with the amount received in his own office, in bank, to the joint account of himself and the Assistant Secretary, and the persons placed on the list of annuitants on the fund by the Lord Chancellor are paid their respective pensions half yearly in the office.

All dockets for the enrolment of decrees in Chancery are countersigned by the Secretary at the requisition of the Solicitor; and the copy decree having been obtained from the Rolls Office, is submitted by him to the Lord Chancellor for signature, if correct and in accordance with the statute and general orders, and then returned to the Rolls Office to be enrolled. The Secretary receives and checks all accounts of incidental expenses of the several offices previous to submitting them to the Lord Chancellor for signature.

All fees received in the office are accounted for monthly on oath by the Secretary and Assistant Secretary, and the amount lodged to the credit of "The Suitors' Fee Fund account" by the Secretary, as directed by the Court of Chancery (Ireland) Regulation Act, 1850.

The Secretary carries on all correspondence in connexion with the magistracy, and all other correspondence directed by the Lord Chancellor.

2. The duties of the Lord Chancellor's Secretary are not prescribed by statute, warrant, or order, except as hereinbefore mentioned.

3. No changes have taken place in the nature and extent of the duties to be performed by each officer since his appointment.

4. The Secretary holds his office during the Lord Chancellor's pleasure, in whom the right of appointment is vested by prescription.

The Assistant Secretary holds his office during good behaviour, by written appointment of the Lord Chancellor, on the authority of a Treasury warrant; and in the event of a vacancy, the right of appointment is vested in the Lord Chancellor.

The duties of the Lord Chancellor's Secretary, and of the Assistant Secretary are much interwoven, and may for the most part be performed by either of them. The return does not, accordingly, make any distinction between their departments. I must, in justice, state that a very considerable portion of the work of the office falls on my friend Mr. Barry, whose long experience, unfailing attention, and unpretending zeal, render me assistance which I cannot rate too highly.

(Signed) MARK PERRIN.

November 8, 1862.

II.—2. RETURN as to DUTIES and APPOINTMENT of OFFICERS. RALPH S. CUSACK, Esq., Clerk of the Crown and Hanaper, Court of Chancery, Ireland.

Crown and Hanaper Office.
Ralph S. Cusack, Esq., Clerk of the Crown and Hanaper.

Duties performed by the Clerk of the Crown and Hanaper.

Those connected with the petty bag or law side of the Court of Chancery, viz.:—Proceedings to enforce the performance of a recognizance, or proceedings in case of debt against an officer of the Court; this duty includes the preparing and issuing writs of *scire facias;* entering rules and orders on the proceedings; attending the Court at the hearing of all matters connected with the petty bag side of the Court; taking down the orders of the Court; taxing bills of costs; preserving the records connected with such proceedings.

The preparing and issuing of the following patents, writs, commissions, &c.:—

Patents for the appointment of Dukes.
Patents for the appointment of Marquesses.
" " Earls.
" " Viscounts.
" " Barons.
Patents on the appointment of Archbishops.
" granting Restitution of the Temporalities to Archbishops.
" for the appointment of Bishops.
" for the Consecration of Bishops.
" appointing Commissioners to swear in Archbishops.
" for the appointment of Deans.
" granting Ecclesiastical Livings.
" to swear in Lord Lieutenants of Ireland.
" appointing Lords Justices in absence of Lord Lieutenant.

Patents to Administer Oaths to Lords Justices.
„ appointing Lord Chancellor.
„ granting leave of absence to Lord Chancellor.
„ appointing Commissioners of the Great Seal during absence.
„ appointing Keepers of the Privy Seal.
„ appointing Judges of the Law Courts.
„ appointing Judges of the Court of Admiralty.
„ appointing Master of the Rolls.
„ appointing Attorney-General.
„ appointing Solicitor-General.
„ appointing Sergeants-at-Law.
„ appointing Masters in Chancery.
„ appointing Custos Rotulorum for the different Counties of Ireland.
„ appointing Lieutenants of the Counties in Ireland.
„ appointing Clerks of the Crown.
„ granting Charters for cities and towns and denization of a private person.
„ granting Fairs and Markets.
„ granting license for Theatres.
„ granting Pensions.
„ granting Lands.
„ granting Annuities.
„ granting Pardon.
„ proclaiming Districts under Peace Preservation Act.
„ revoking Proclamations in Districts.
„ dividing Counties into Districts for sessional purposes.
Surrender of Masters in Chancery of Letters Patent.
Commissions of Assize for the Six Circuits for Counties made out twice a-year for the Judges of Assize.
„ of Assize for Cities and Towns in Ireland, made out twice a-year for the Judges of Assize.
„ of Association for Judges of Assize.
„ of Admiralty.
„ to try Pirates.
„ of Oyer and Terminer.
„ of Delegates.
„ of Inquiry.
„ of Lunacy.
„ appointing Masters Extraordinary.
„ of Valuation.
Dedimuses to swear Commissioners on a Commission of Valuation.
„ and Oaths for Resident Magistrates.
„ and Oaths appointing Queen's Counsel as Magistrates.
Commissions of the Peace with Dedimuses and Oaths.
„ of the Peace under Towns' Improvement Act.
„ to reinstate Justices of the Peace.
Superseders for Justices of the Peace.
Exemplification of Orders to Lord Chancellor of England.
Attested copies of all Documents.
Certificates of No Proceedings on foot of Recognizances.
Consent of Barristers to act as Commissioners on Controverted Elections of Members to serve in Parliament.
Sealing Letters of Guardianship.
Transmitting Records to the Queen's Bench.
Mittimus for transferring Records.
Certificates of Members of Parliament having been returned.
Certificates of Barristers having been called to the Bar.
Writs of Scire Facias.
„ of Levari Facias.
„ of Error.
„ of Venire Facias.
„ of Ad Quod Damnum.
„ de Coronatore Eligendo.
„ de Coronatore Exonorando.
„ of Assistance.
„ of Ca: Sa: against Officers of Court of Chancery.
„ of Fieri Facias.
Writs of Habeas Corpus.
„ of Injunction.
Estreat of Inquisitions.
Writs of Ne Exeat Regno.
„ of Protection.
„ of Prohibition.
„ of Restitution.
„ of Supplicavit.
„ of Contumace Capiendo.

Attending the Lord Chancellor on the swearing in all persons who take an oath of office before the Chancellor, on being appointed to any office under the Crown; also, Barristers-at-Law, and Queen's Counsel.

Attending before the Privy Council to read the patent appointing Lord Lieutenants or Lord Justices, so often as same shall be sworn into office.

Attending with the patents at the consecration of archbishops and bishops.

The conduct of the Election for Temporal Peers of Ireland, whenever a vacancy occurs; this includes the publishing of the necessary notices; preparation of the writs issuing to the parties entitled to vote; receipt of the writs, and registry of the votes; declaration of the Peer elected; and attending at the Bar of the House of Lords to return the writs and declare the name of the Peer elected; custody of the Registry of Peers entitled to vote at an election; correspondence with the Clerk of the Parliament relative to all Orders of the House of Lords for placing names on the list or removing same.

Issuing of writs of election for Members of the House of Commons, for the counties, cities, and boroughs of Ireland; receipt of the returns from the sheriffs; transmission of same to the Clerk of the Crown of England, retaining true copies; receipt and custody of poll books, giving copies or extracts of same when required; attending before Committee of the House of Commons, and producing poll books, when required, by order of the Speaker.

Custody of records, and production of same when necessary; the custody of the rolls of magistrates of the several counties, cities, and boroughs; rolls of resident magistrates, and Masters Extraordinary of Ireland.

Correspondence with the several Clerks of the Peace, Secretaries of Grand Juries, &c., &c., so as to keep the lists of magistrates perfect.

Duties of First Clerk:—Attending at the office; giving information to the public; comparing documents before issued, and keeping registry of business done in the office.

Second Clerk:—Attending in the office, and assisting in giving information to the public; engrossing all patents, &c.

Third Clerk:—Copying documents, &c.

2. *The Statutes, Warrants, or other authority by which such duties are imposed or regulated.*

The duties of Clerk of the Crown and Hanaper are imposed and regulated by Acts of 40 Geo. III. (Act of Union), 4 Geo. IV. c. 61; 4 Wm. IV. c. 74; and by several Orders of the House of Lords and Commons; Orders of the Lord Lieutenant, and Orders of the Lord Chancellor.

3. *The changes (if any) in the nature and extent of the duties to be performed by each officer since his appointment.*

No change of any importance.

4. *The statutable or other authority under which each appointment in the office was made, and the person in whom the right of appointment is vested.*

Appointments made under 6th and 7th Wm. IV.
Right of appointment under same Act.
Clerk of Crown and Hanaper, in the Crown.
Clerks, in the Head of Department.

(Signed), RALPH S. CUSACK,
Clerk of the Crown and Hanaper.

18th October, 1862.

II.—3. RETURN as to DUTIES and APPOINTMENT of OFFICERS. W. NEILSON HANCOCK, Esq., LL.D., Clerk of the Custody of the Papers in the Court of Chancery in Ireland in the Matter of Idiots and Lunatics.

COURT OF CHANCERY, IRELAND.
Lunacy Office.
Return as to Duties and Appointment of Officers.
W. Neilson Hancock, Esq., LL.D., Clerk of the Custody.

1. *The nature and extent of the duties performed by the Clerk of the Custody of Papers in the Court of Chancery in Ireland in the Matters of Idiots and Lunatics, and by each officer under him in the Lunacy Office.*

The duties of the Clerk of the Custody are—

I. To have all orders in lunacy drawn by his Clerk, under his directions, and to compare them with the heads of orders signed on the petitions in lunacy by the Lord Chancellor, or other person having care of lunatics under sign manual of Her Majesty.

II. To sign all orders in lunacy, and to sign all attested copies of documents issued from the Lunacy Office.

III. To have custody of all petitions, reports, affidavits, and accounts in lunacy, returns of Committees of Person and reports of Medical Inspectors, and to keep a copy of all orders.

IV. Before the 1st day of October in each year to apply to the Committee of the Person of each lunatic under the care of the Court for a return, showing the residence of the lunatic, the apartments occupied, the expenditure in board, clothing, medical, and other expenses allowed by the Court, and showing the opinion of the committee as to the bodily and mental health of the lunatic, with suggestions, if any, for the improvement of the care and management of the lunatic.

V. To prepare, with respect to each lunatic under the care of the Court, an abstract of the orders in force on the 1st of January in each year, directing with whom and where the lunatic is to reside, how much is to be allowed for board, clothing, medical attendance, and any other special expense; and any special directions with respect to the person in care of the lunatic, or arrangements for health or personal comfort; and to add to such abstract of orders a statement of any information as to the nature of the lunatic's delusions, or as to the lunatic having been at any time violent or dangerous.

VI. To forward to each Medical Inspector a copy of the abstracts of orders, as to residence, maintenance, and care of each lunatic which he is to visit, and the information collected as to the lunatic, with last returns of the Committee of the Person.

VII. To calculate and issue in each case certificates of fees to the Medical Inspectors for their inspections and reports.

VIII. To file the returns of the Committes and reports of the Medical Inspectors.

IX. To lay before the Master in each lunacy matter, on passing the Committee's or Receiver's accounts, the last return of Committee, abstract of orders, and Medical Inspector's report.

X. To bring under the notice of the Lord Chancellor, or other person having care of lunatics under Her Majesty's sign manual, all suggestions and complaints by Committees of the Person and Medical Inspectors, and to correspond with Committees and Inspectors, so as to have special directions of the Lord Chancellor carried out in all matters not requiring application by petition and affidavit.

XI. To examine each year all pending orders in lunacy matters; to see that accounts are passed in due time, and orders for the management of the lunatics' property or care of their persons carried out; and to correspond with committees and solicitors, with a view to have orders promptly attended to and carried out.

The duties of the First Clerk in the Lunacy Office are—

I. To keep a daily register of all documents filed or issued out of the Lunacy Office.

II. To compute, receive, and enter all fees received in the office, and to account to the Clerk of the Custody for them.

III. To prepare the draft of all orders in lunacy under direction of the Clerk of the Custody; to copy in Order Book all orders issued, and to make an index to the orders in each volume; to prepare certificates of fees to Medical Inspectors.

IV. To compare with Scrivenery Clerk all copies of affidavits, reports, accounts, and other documents, whether made in office or brought in for attestation, and to certify comparison previous to submitting to Clerk of the Custody for signature.

V. To make searches for documents on application of any person; to give information to facilitate such searches, and as to the forms of proceeding and practice in the office. Applications for searches and information are frequent, as there is no fee on searches, and the practice in lunacy matters is peculiar.

VI. To keep a register of all returns of Committees of Person, reports of Medical Inspectors, reports and returns sent to Masters, and certificates for fees issued to Inspectors, and of letters received or sent as to the care and custody of lunatics, or management of the property.

VII. To classify and arrange all the documents of each year for binding in volumes.

The duties of the Scrivenery Clerk in the Lunacy Office are—

I. To make copies of all documents required to be copied in office, and to write out for signature of Clerk of the Custody orders and letters to be issued from the office.

II. To compare with First Clerk all copies of affidavits, accounts, and reports, or other documents requiring to be attested.

As to the extent of the duties of the office—

There are about 140 lunatics under the care of the Court, and the discharge of the above duties with respect to them gives full occupation to the Clerks employed in the office.

If the English system of fees in lunacy were to be adopted in Ireland, there would be a large increase in the number of lunatics under the protection of the Court, owing to the diminution of expense in poorer cases which would result in consequence.

Duties of Medical Inspectors in connexion with Lunacy Office.

There are two Medical Inspectors for Dublin county, north and south parts respectively, and thirty in other counties, or parts of counties, where lunatics under the care of the Court are resident.

Their duty is, on notice from Clerk of Custodies—

I. To visit, without previous notice to the committee of the person or the persons in whose custody the lunatic is, to ascertain as far as possible the usual and ordinary way in which the lunatic is cared for.

II. To have an interview with the lunatic apart from the person or persons in charge.

III. To report in form prescribed by General Orders of 11th February, 1860, as to the bodily and mental health of the lunatic, the expenditure of the maintenance, with observations and suggestions for the better care of the lunatic.

2. *The Statutes, Warrants, Orders, or other authority by which such duties are imposed.*

The office of Clerk of the Custody is an ancient office of the Court; and part of the duties are established by the practice of office, and partly by the General Orders in Lunacy, which extend part of the General Orders in Chancery to Lunacy matters. The duties are to some extent regulated by the 4 Geo. IV. c. 69, which fixes the fees.

The new duties, of providing for the care of the lunatics by returns and inspections were imposed by the General Orders in Lunacy of 11th February, 1860.

The duties of the Medical Inspectors were imposed by the same General Orders.

3. *The changes (if any) in the nature and extent of the duties to be performed by each of such officers.*

The present Clerk of the Custody was appointed, first, 13th December, 1855, and resigned 6th April, 1858, and was reappointed 5th July, 1859. The First

Court of Chancery, Ireland.

Lunacy Office.

Return as to Duties and Appointment of Officers.

W. Neilson Hancock, Esq., LL.D., Clerk of the Custody.

Clerk was appointed 12th May, 1856. The Scrivenery Clerk, about the same time.

The keeping a daily register of all documents received or issued from the Lunacy Office was introduced by the present Clerk of the Custodies on 22nd May, 1856. The uniform comparison by Clerks in the office of all documents, of which attested copies are issued, was introduced by the present Clerk of the Custodies 14th May, 1856, when the Second Clerk was appointed in the Lunacy Office—only one Clerk having been previously in the office. The duties connected with returns of Committee of the Person and inspection of the lunatics (iv.—x.) were introduced in the time of the present Clerk of the Custodies by the General Orders of 11th February, 1860.

Under the previous orders, 29th February, 1843, returns and certificates as to the health and care of the lunatic, by medical men selected by the Committees, were made in whatever form the parties chose, so that the duties of the Clerk of Custody were very slight in respect to them.

No change in duties of Medical Inspectors since these officers were created by General Orders, 11th February, 1860.

4. *The statutable or other authority under which each appointment in the office was made, and the person in whom the right of appointment is vested.*

The right of appointment to the Office of Clerk of the Custody is in the Lord Chancellor, or person having the care of lunatics under sign manual of Her Majesty, and the officer changes with each change of Lord Chancellor, as the corresponding office of Registrar in Lunacy did in England until the passing of Statute 25 & 26 Vic. c. 86, s. 28. The appointment of the First Clerk and Scrivenery Clerk is in the Clerk of the Custody. By a recent Treasury Warrant, 14th April, 1859, these Clerks are placed on the staff of the Clerks of the Court of Chancery; and so are not removable except for misconduct.

The Medical Inspectors are appointed by the Lord Chancellor, under the General Orders, 11th February, 1860, and hold office during pleasure.

(Signed), W. Neilson Hancock.

31st October, 1862.

Minors and Lunatics.

John Hazlett, Esq., General Solicitor for Minors and Lunatics.

II.—4. Return as to Duties and Appointment of Officers. John Hazlett, Esq., General Solicitor for Minors and Lunatics.

1. *The nature and extent of the duties performed by me as General Solicitor for Minors and Lunatics.*

When directed by an order of the Court, or otherwise required, attending before or upon the Masters in Ordinary of the Court of Chancery, on the passing of guardians', committees', receivers', executors' or administrators' accounts connected with minor or lunatic matters; instituting proceedings to compel such accounts to be filed where improper delay has taken place; attending on applications pending before the Lord Chancellor and the Master of the Rolls, in which minors or lunatics are interested, and also before the Masters; investigating and reporting upon complaints made to the Court touching the conduct of committees or guardians, or in relation to minors or lunatics, when referred to me for that purpose; and attending before the Taxing Masters on the taxation of costs in minor and lunatic matters, or in cases in which minors or lunatics are interested.

2. *The Statutes, Warrants, Orders, or other authority by which such duties are imposed or regulated.*

The duties to be performed by the General Solicitor for Minors and Lunatics have been defined and regulated by successive Orders of the Lord Chancellor for the time being; and I beg leave respectfully to refer to the Orders in relation to said office of the 24th December, 1806; 23rd May, 1808; 20th July, 1813; 30th November, 1827; 9th June, 1834; and the 176th General Order of 27th March, 1843; by which latter Order, as by the said previous Order of 9th June, 1834, a discretionary power is given to the Masters to determine the occasions on which the personal attendance of the Solicitor of the Court for Minors and Lunatics should be required in any proceedings before them, and that the Masters should be at liberty, in any case in which they may deem it to be for the benefit of any minor, to require the attendance of such Solicitor, and should allow him to be paid out of the funds of the minor such reasonable sum, for his services and attendances, upon such occasion as the Master should deem fit to be certified, as in the Order directed, and such Solicitor not to be allowed any fees out of the minor's fund for attendances before the Masters, except when so required.

3. *The changes, if any, in the nature or extent of the duties to be performed by me since my appointment.*

Since my appointment in November, 1848, and in addition to the ordinary duties devolving upon me as Court or General Solicitor for Minors and Lunatics, I have been directed to act, and have acted accordingly, in relation to matters not connected with any minor or lunatic matter, and which would have properly devolved upon the Solicitor to the Suitor's Fund, had that office not been, as it still is, in abeyance; for instance, I instituted proceedings against a Solicitor for misconduct, which ended in his being struck off the roll of Solicitors, and also had a person attached and committed to custody for contempt of court in writing a libellous letter to the Right Honourable the Master of the Rolls, and was paid the taxed costs of such proceedings out of the Suitors' Fund. I am also occasionally required to attend on the taxation of costs not incurred in minor or lunatic matters, where the Taxing Master thinks it desirable that an independent Solicitor, not connected with the proceedings, should attend the taxation. Since the passing of the Court of Chancery (Ireland) Regulation Act, 1850, and the alteration consequent thereon in the mode of instituting suits in Chancery, I am frequently appointed guardian ad litem for minor respondents, to protect their rights and interests, in lieu of the Clerk in Court, who used to answer for minors under the former practice; and I have also instituted proceedings by filing cause petitions under direction of the Court as next friend for minor petitioners.

4. *The statutable or other authority under which I was appointed, and the person in whom the right of appointment is vested.*

I am not aware of the statutable authority for appointing to the office of Court or General Solicitor for Minors and Lunatics, but the office seems to have existed from an early period. My appointment was by Order or Warrant, under the hand of the Lord Chancellor, and in whom, of course, the right of appointment is vested.

(Signed), John Hazlett,
General Solicitor for Minors and Lunatics.

2nd January, 1863.

II.—5. RETURN as to DUTIES and APPOINTMENT of OFFICERS. JAMES A. KIFT, Esq., Secretary to the Master of the Rolls.

1. My own duties, as Secretary to the Master of the Rolls, so far as relates to Court business, are to receive the summary petitions, which are to be moved in the Rolls Court, from the Lord Chancellor's Secretary; to look over them, and have them properly classified and listed for hearing, and to attend their hearing in Court. I have, in fact, the charge of them until they are finally disposed of. I have to approve of, and sign public postings or advertisements of proposed orders, in cases where such are directed by the Court; to receive caveats or objections consequent on those advertisements, and to see that the advertisements have been correctly published before the orders are made out by the Registrar. I have also to discharge all such other duties in connexion with the summary petitions, as may be directed by the Master of the Rolls.

My duties, apart from Court business, are those ordinary to the office of a private secretary. I receive communications from solicitors for the Master of the Rolls, and perform any services generally that he may require of me.

2. The 13th and 14th Victoria, chap. 89, sec. 33; the orders and directions of the Master of the Rolls, and the practice of the Court as regulated by him.

3. There have been no changes.

4. The 13th and 14th Vict. cap. 89, sec. 33, by which the right of appointment is vested in the Master of the Rolls.

With respect to the Clerk in Court, in the Rolls Court, Thomas Berry, Esq., I beg to refer to the accompanying Return, with which he has supplied me.

With respect to the Crier of the Rolls Court—

His duties are to attend in Court during the period of its sittings; to keep order, and call the lists;

And with respect to the Crier and the two Tipstaves, I am not aware of any change in their duties; and their appointment is vested in the Master of the Rolls; the former, I believe, under a prescriptive or immemorial right; and the latter under the 21st and 22nd Vict. cap. 52, sec. 3.

(Signed), JAMES A. KIFT,
16, Upper Pembroke-street.

11th September, 1862.

II.—6. RETURN of THOMAS BERRY, Esq., Clerk in Rolls Court, referred to in preceding Return of Secretary to Master of Rolls.

1. To attend the Rolls Court during its sittings; to make out, and to keep correctly, the day list of motions for the use of the Court; to be prepared with every notice of motion as the case comes on to be heard respectively; to read all documents necessary to be read in Court; and to discharge such other duties as shall be prescribed by any General Order, to be made by the Lord Chancellor and the Master of the Rolls.

2. Statute of 6 and 7 Wm. IV. c. 74, s. 6, and the 194th General Order of the 27th March, 1843, made under authority of said Act.

3. Since the appointment of the present Clerk in Court (which was in the year 1846), and since the passing of the Act of 13 and 14 Vic. c. 87 (the Chancery Regulation Act), the duties of reading in open Court the written depositions to interrogatories have ceased. The Clerk in Court now administers oaths to such witnesses as may be examined *viva voce* in Court.

The motion business of the Court is by the operation of the Chancery Regulation Act, and also by the working of the Landed Estates Court, greatly diminished; but at the same time, other business has flowed into the Rolls Court, to occupy it very nearly in the duration of its sittings to the same extent as when the motion lists were full.

The attendance of the Clerk in Court remains much the same as it was at the time of his appointment.

4. By the Master of the Rolls, under the Act 6 & 7 Wm. IV. c. 74, s. 6.

(Signed), THOMAS BERRY.

September 8th, 1862.

II.—7. Return as to Duties and Appointment of Officers. John Reilly, Esq., Deputy Keeper of the Rolls, Ireland.

Officers.	1. *The nature and extent of the duties performed by the Deputy Keeper of the Rolls, and each Officer.*	2. *The Statutes, Warrants, Orders, or other authority by which the duties are imposed and regulated.*	3. *The changes, if any, in the nature and extent of the duties to be performed by each of such Officers since appointment.*	4. *The Statutable or other authority under which each appointment in the Office was made, and the person in whom the right of appointment is vested.*
The Deputy Keeper of the Rolls.	Has general responsibility for the care and safe custody of the Rolls, Records, and pleadings, and superintendence of the office; receives the fees; makes the payments as directed by the several Acts of Parliament, and passes the accounts; takes affidavits in cause petition matters, and verifies answers to bills; attests all copies of documents issuing from the office; and certifies documents which are required for evidence.	By the 4th Geo. IV. c. 61, s. 24; the Chancery Regulation Act, 1850; and the General Orders of the Court.	No material change; but a large new Rolls Office record room is now building; when completed, it is proposed to transfer to it all the old records beyond a certain date from other courts and offices; the Rolls Office will then become similar to the English Record Office, with the addition, however, of the current Chancery pleadings, which are not filed in the Record Office in England.	An old common law appointment, vested in the Master of the Rolls for the time being; formerly held during the pleasure of the Master of the Rolls, but now by the 6 Geo. IV. c. 30, s. 14, it is held for life.
The Clerk of Enrolments.	Has charge, under the Deputy Keeper of the Rolls, of all the Rolls (which commence in the reign of King John); makes all enrolments and enters and indexes them; assists the public in examining and searching the Rolls; gives all necessary information in relation to those ancient documents; takes affidavits under the Chancery Regulation Act; issues the copies of all documents and certificates, when signed by the Deputy Keeper of the Rolls.	The same.	None.	An old common law appointment, vested in the Master of the Rolls for the time being.
Assistant Clerk of Enrolments.	Same duties as Clerk of Enrolments, but without power to take affidavits.	The same.	None.	The Master of the Rolls, as head of the office, under the Report of the Chancery Commission, 1859, and Treasury Warrant thereunder, dated 27th February, 1860.
Clerk of Pleadings.	Has charge of the pleadings under the Deputy Keeper of the Rolls (which commence in the reign of Elizabeth); enters and indexes them as filed; superintends and issues the copies and certificates when signed by the Deputy Keeper of the Rolls, and makes searches for all pleadings.	Practice.	None.	An old common law office, vested in the Master of the Rolls for the time being.
Assistant Clerk of Pleadings.	The same duties as Clerk of Pleadings.	Same.	None.	The Master of the Rolls, as head of the office under the Report of the Chancery Commission, 1859, and Treasury Warrant thereunder, dated 27th February, 1860.
Two Scrivenery Clerks.	Employed in copying and comparing all documents issued from the office.	4 Geo. IV. c. 61; and the Rules and General Orders of the Court.	None.	The head of the office for the time being.

R

(Signed), John Reilly,
Deputy Keeper of the Rolls.

November 6, 1862.

Court of Chancery, Ireland.
Rolls Office.
Return as to Duties and Appointment of Officers.
John Reilly, Esq., Deputy Keeper of the Rolls.

II.—8. Return as to Duties and Appointment of Officers, The Hon. Henry Sugden, Registrar, Court of Chancery, Ireland.

Officers.	1. *Nature and extent of duties performed by each Officer.*	2. *The Statutes, Warrants, Orders, or other authority by which such duties are imposed or regulated.*	3. *The changes, if any, in the nature or extent of the duties of each Officer since appointment.*	4. *Statutable or other authority under which appointment made, and the person in whom right of appointment is vested.*
Hon. H. Sugden, Registrar. W. D. Ferguson, Esq., LL.D., Registrar. W. B. Drury, Esq., Assistant-Registrar.	To attend the Courts of the Lord Chancellor and of the Master of the Rolls; take notes of the orders and decrees pronounced by the Court; settle and sign the same, and the side-bar orders of the Court; to examine and compare the drafts of the Accountant-General with the orders, and to countersign said drafts; to examine affidavits for lodgment of money by trustees under the Trustee Relief Acts; to examine and sign certificates for registration of orders in Judgment Office, and to receive the fees of the office, and to attend to and superintend the office business, including the Record Department, and signing copies of documents in the absence of the Clerk of Records.	6 and 7 Wm. IV. c. 74, ss. 12 and 13; Chancery Regulation Act, 1850; 11 and 12 Vic. c. 68; 11 and 12 Vic. c. 120; 19 and 20 Vic. c. 92; Treasury Warrant, 14th April, 1859; and General Orders.	There have been trifling changes made in the duties of the several officers from time to time which it would be impossible to set out.	6 and 7 Wm. IV. c. 74, s. 11. The right of appointment to the Junior Clerkship is vested in the Lord Chancellor; the promotion from that office to the Registrarship is by seniority, subject to the approbation of the Lord Chancellor.
F. B. Martley, Esq., Chief Clerk.	Examining solicitors' dockets for side-bar rules; examining such rules when made up previous to their issuing; setting down causes, and performing such duties relative to the making up of orders and management of the office as the Registrars from time to time direct.	Ditto.	—	—
Wm. Geale, Esq., J. H. Darley, Esq., A. B. Davison, Esq., Senior Clerks.	Attending in Court with the Registrars; entering notes in the Court books; and making up the Court orders for signature by the Registrars; and assisting generally in the business of the office.	Ditto.	—	—
R. H. Martley, and John Hamilton, Esqrs., Junior Clerks.	Entering Accountant-General's drafts; comparing same; making out orders made by the Lord Chancellor in chamber and side-bar orders; and assisting generally in the office business.	Ditto.	—	—
Francis Whelan, Esq., Additional Clerk.	Same duties as senior clerks.	Ditto.	—	Lord Chancellor.
R. L. Hobart, Esq., Cash Clerk.	Receiving the office fees, and accounting therefor to the Registrars.	Ditto.	—	Lord Chancellor.
R. W. Buchanan, Esq., Clerk of Records.	Charge of the Record Department; receiving and filing documents; issuing and signing copies of documents bespoken; superintending the copying and comparing executed by the scrivenery clerks; and superintending the binding of the Records.	Treasury Warrant, 14th April, 1859.	—	Treasury Warrant, dated 14th April, 1859; Lord Chancellor.
St. J. Braddell, Esq., Assistant Clerk of Records.	Assisting the Clerk of the Records in the above duties.	Ditto.	—	Ditto.

(Signed), H. Sugden,
Registrar.

November 5, 1862.

Court of Chancery, Ireland. — Chancery Registrar's Office. — Return as to Duties and Appointment of Officers. — The Hon. H. Sugden, Registrar, Court of Chancery.

Court of Chancery, Ireland.
Affidavit Office.
Return as to Duties and Appointment of Officers.
Maziere J. Brady, Esq., Clerk of Affidavits.

II.—9. Return as to Duties and Appointment of Officers. Maziere J. Brady, Esq., Clerk of Affidavits, Chancery, Ireland.

Court of Chancery, Ireland.
Affidavit Office.
Return as to Duties and Appointment of Officers.
Maziere J. Brady, Esq., Clerk of Affidavits.

1. *The nature and extent of the duties performed by the Clerk of Affidavits and each officer in the Chancery Affidavit Office.*

The duties of the Clerk of the Affidavits are, to superintend the business of the office generally; attest all certificates and copies of affidavits; keep an account of the receipts and disbursements; pay salaries and lodge balances to the credit of the Suitors' Fee Fund Account, pursuant to General Order of the Court; and account on oath, quarterly, before one of the Masters for all fees received, and disbursements made.

The duties of the Assistant-Clerk are, to assist the Clerk of the Affidavits in superintending the business of the office; to see that the affidavits are properly stamped and engrossed, conformably to the rules of the Court; that interlineations and erasures are properly noticed in the jurat; to receive all moneys, keep accounts thereof, and hand over the total to the Clerk of the Affidavits; to keep the file of the affidavits in alphabetical order until bound; to assist in preparing the affidavits for the bookbinder, and in indexing the books when bound; and also to assist in marking the fees on the copies of affidavits, and make all searches, and draw up all certificates.

The duties of the Comparing Clerks are, to compare the copies of affidavits with the originals, preparatory to attestation by the Clerk of the Affidavits, on the correct performance of which a large quantity of the business of the Court depends; to assist in marking the fees on the said copies; to mark them compared; to assist in preparing the affidavits for the bookbinder, and in indexing the books when bound.

The duties of the Scrivenery Clerks are, to copy all affidavits as they are bespoke, and compare such copies with the Comparing Clerks.

2. *The Statutes, Warrants, Orders, or other authority by which such duties are imposed or regulated.*

By the Act 6 & 7 Wm. IV. cap. 74, the Affidavit Office was established on the abolition of the Usher's Office, and it was by the said Act, and the Orders 12 and 19 of 10th October, 1836, directed, that the fees previously received by the Usher under the Act 4 Geo. IV. cap. 61, schedule 7, should be continued to be received, and by the said 6 & 7 Wm. IV. cap. 74, and the General Orders dated 27th March, 1843, Nos. 195, 196, 197, 198, and 199, the said duties are imposed and regulated; also, by the Stamp Act, the officers and clerks are obliged to inspect the stamps on all affidavits filed in said office.

3. *The changes, if any, in the nature and extent of the duties to be performed by each of such officers, since his appointment.*

By the 196th General Order, of 27th March, 1843, which orders that all affidavits shall be bound up in books and indexed; also, by the Act 13 and 14 Vic. cap. 51, which abolished the equitable jurisdiction of the Court of Exchequer, and transferred it to the Court of Chancery; and also, by the General Order of the Court of Chancery, dated, 1st June, 1859, which orders that all affidavits under the Court of Chancery (Ireland), Regulation Act, 1850, (other than the affidavits in answer to cause petitions), should be filed in the Affidavit office instead of the Rolls office where they had been previously filed; the business of the office, and consequently the duties of those connected with it, have been very much increased.

4. *The statutable or other authority under which each appointment in the office, &c., is made, and the person in whom the right of appointment is vested.*

By the Act 6 & 7 Wm. IV. cap. 74, sections 4 and 17, the Lord Chancellor, for the time being, has the right of appointment to all vacancies that may occur in the Affidavit office, and also of appointing additional clerks if necessary.

(Signed), M. J. Brady,
Clerk of Affidavits.

19th September, 1862.

Appearance and Writ Office.
Yelverton Dawson, Esq., Clerk of Appearances and Writs.

II.—10. Return as to Duties and Appointment of Officers. Yelverton Dawson, Esq., Clerk of Appearances and Writs, Chancery, Ireland.

Appearance and Writ Office.
Yelverton Dawson, Esq., Clerk of Appearances and Writs.

Nicholas Keatinge, Esq., the first Assistant-Clerk, receives all the fees payable into the office, makes regular entries thereof in books kept for that purpose, the names of the causes, the nature of the document on which each and every fee is payable, marks same as (Paid), the solicitor's name, &c., and hands over the gross amount daily to the Principal, Yelverton Dawson.

Mr. John A. Mons, the second Assistant-Clerk, prepares and issues the several writs which are required, and which issue from the office; making accurate entries in books kept for the purpose, of the nature of the writ, parties' names, teste and return, and sealing same. Takes the appearances entered in the several causes, receives the several and respective fees payable thereon, and hands over the same daily to the Principal.

Messrs. P. Blake, R. Foster, and H. Hemsworth, Clerks in the Notice Office, whose duty it is to serve all notices, summonses, and orders left in the office for service upon solicitors throughout the city.

Mr. F. B. Fletcher, one other Clerk, enters in several and distinct books, kept for the purpose, all notices, summonses, and orders left for service, the parties' names, the nature and object of every notice, summons, and order, by whom, and upon whom to be served, and sees the services duly marked in the books by the several clerks who serve same.

Yelverton Dawson superintends and manages the respective offices and duties thereof, as above set forth; receives all the fees paid into both offices from the two officers before mentioned; pays the several clerks, as well as two clerks belonging to the Accountant-General's office, and the several expenses attending the office; keeps books in which all the fees received daily are entered, setting forth the amount of each separate fee, and the nature of the business done for which the fee has been paid and received; and accounts quarterly for the receipts and disbursements of the office, and pays into the Suitors' Fee Fund the overplus, should there be any.

The duties are imposed and regulated under the Act of the 6th & 7th Wm. IV. cap. 74.

There have been little or no changes in the nature or extent of the duties to be performed by each officer since his appointment, save what may have occurred by the partial falling off of business, by reason of the alteration in the practice of the Court, and the establishing of the Landed Estates Court.

The appointments to the office are vested in the Right Honorable the Master of the Rolls.

(Signed), Yelverton Dawson,
Clerk of Appearances and Writs.

Court of Chancery,
4th September, 1862.

II.—11. Return as to Duties and Appointment of Officers. James Walker, Esq., Clerk of Recognizances, Chancery, Ireland.

Court of Chancery, Ireland.
Recognizance Office.
Return as to Duties and Appointment of Officers.
James Walker, Esq., Clerk of Recognizances.

1. *The nature and extent of the duties performed by myself and each officer in the office of the Clerk of Recognizances in Ireland.*

We have to examine carefully every recognizance that is brought into the office to be filed; to see that it is properly stamped and executed before a Master in Chancery, or a Commissioner, as the case may be; and in all other respects to see that the rules of the Court are fully complied with in regard to same; each recognizance is afterwards transcribed on a parchment roll, and entered in two different books, one book containing the title of the cause, and the other the names of all the persons executing the recognizance, in alphabetical order, with the number of the roll, and the number on the roll; we have to give a certificate of the filing of each recognizance on the report or order appointing the receiver, guardian, committee, or sequestrator, as the case may be; and in the case of a tenant on the lease, which is kept in the Master's office, we have also to give two certificates, one on parchment, duly stamped, and one on paper, for the purpose of having the recognizance registered in the Judgment Office, all these certificates being first accurately compared.

We have further to enter vacates on recognizances, pursuant to orders of the Court of Chancery, or of the Masters of said Court, first taking care that all the conditions (if any) have been complied with; we have to enter one certificate of such vacate on the parchment roll, another on the original recognizance, and we give out a third on an attested copy of same to the party vacating, together with a certificate in duplicate for the purpose of registering such vacate in the Judgment Office, and finally we mark off the vacate in the books of the office.

We have to furnish attested copies of recognizances, when bespoke, which are made out in the office, signed by myself, and compared before they are issued.

We have to make searches for recognizances, and give certificates of same having been filed, or any other particulars that may be required.

Altogether the office is one in which great care must be taken not only in seeing that the recognizances are properly executed, but that all the various conditions have been fulfilled before entering a vacate. For a more detailed account not only of my duties, but of the great responsibility of the officer, I beg to refer to my evidence given before the late Chancery Commissioners in the year 1858, and which will be found from page 159 to 162 of their Report.

I would beg leave to make the following suggestion, and which was recommended by the said Commissioners, namely, that all recognizances taken in Dublin, after being approved of by the Master, should be executed before myself, and that I should be empowered to administer the necessary affidavit to the persons so executing same.

Another suggestion made by me before the said Commissioners, and also recommended by them in their Report, I have had carried into effect by a General Order of the Court, dated 20th March, 1860, namely, that all recognizances taken before a Commissioner in Great Britain, or a Master Extraordinary in Ireland, should be transmitted under cover to the Clerk of Recognizances in the same manner as affidavits under the 199th of the General Orders of 27th March, 1843.

In addition to the foregoing suggestions, I would further recommend, that all Crown bonds, which are something similar to recognizances, which are at present filed in the Court of Exchequer, be transferred to the Recognizance Office, and that all future Crown bonds be filed in said office, and which would be found more convenient to the public, having but one office to search for Crown securities instead of two.

2. *The Statutes, Warrants, Orders, or other authority by which such duties are imposed or regulated.*

Under the Act 4th George IV. chapter 61, and 11th and 12th Vict. chapter 120, and the existing rules of the Court of Chancery.

3. *The changes, if any, in the nature or extent of the duties to be performed by each officer in the office since his appointment.*

There has not been any change in the nature or extent of my duties since April, 1858, at which time I received my appointment; but since Mr. Hynes was appointed to the office by my predecessor, Mr. Porter, the following changes have taken place:—

1st. In the year 1848 the Clerk of Recognizances was first required to give certificates for the purpose of registering recognizances in the office of the Registrar of Judgments, under the Act 11th and 12th Vic. chap. 120.

2nd. By General Order of November, 1849, no person becoming tenant under the Court was required to enter into any recognizance except in special cases.

3rd. In August, 1850, by the Act transferring the Equitable Jurisdiction of the Court of Exchequer to the Court of Chancery in Ireland, several thousand Exchequer recognizances, and the books relating to same, were transferred to the Chancery Recognizances Office, which entailed on the officer a great deal of additional duty and responsibility.

4th. By General Order of May, 1857, the Master was empowered to receive a general recognizance as a security for a District Receiver.

4. *The statutable or other authority under which each appointment in the office was made, and the person in whom the right of appointment is vested.*

The right of appointment to the office of Clerk of Recognizances is vested in the Lord Chancellor, and the right of appointing the clerks in the office is vested in the Clerk of Recognizances.

(Signed), J. Walker,
Clerk of Recognizances, Court of Chancery.

5th September, 1862.

II.—12. Return as to Duties and Appointment of Officers. Henry Maturin Quinan, Esq., Chief Examiner of the Court of Chancery in Ireland.

Examiner's Office.
Henry Maturin Quinan, Esq., Chief Examiner.

1. *The nature and extent of the duties performed by the Chief Examiner and each officer in the Chancery Examiner's Office, Ireland.*

Examiner's Office.

The duties performed by me consist in administering oaths to, and taking down in person the evidence of witnesses given upon *viva voce* examination in all cases, where any of the parties to any cause petition shall have obtained an order from the Court, or from one of the Masters directing that such evidence shall be had before the Examiner in Chief; receiving, entering, and filing all depositions taken by commission, and returned in the Court of Chancery; causing copies of the depositions,

whether by commission or otherwise, of record in the office, to be made out; certifying the correctness of same, and re-attesting copies of depositions to be used on appeals or in Courts of Law.

The only Officer attached to my office is that of an Assistant-Clerk; his duties consist in giving out the original depositions to be copied; seeing that such copies are correct; marking, entering, and receiving the fees thereon; making searches for original records; keeping the records in order, for the custody and safe keeping of which he is responsible; he has also the general superintendence of the office; makes appointments for the examination of witnesses, and attends to official inquiries.

As regards the "extent" of the duties of the office, though these duties be important in their nature, they are trivial in their extent, owing to changes made in the mode of procedure in the Court of Chancery hereafter specified.

2. *The Statutes, Warrants, or other authority, by which such duties are imposed or regulated.*

The duties of Examiner are imposed and regulated by deed of appointment, by the Acts of Parliament, 4th Geo. IV. c. 61; 6th Geo. IV. c. 30; 4th and 5th Wm. IV. c. 78; and by the several Orders of the Court, more particularly by those bearing date 19th May, 1857.

3. *The changes (if any) in the nature or extent of the duties to be performed by each officer since his appointment.*

At and previous to the time of my appointment, all evidence in every cause depending in the Court, except as to inquiries before the Masters, was taken by one or other of the Examiners in Chief, or by a Commission Examiner, appointed for the purpose; this examination was strictly private; the witnesses were examined from written interrogatories, and the Examiner was sworn to secrecy; and until a rule was entered to pass publication of the evidence, no person, except the Examiner, was permitted to know the evidence the witness had given. By the Act of 13th and 14th Vic. c. 89, the mode of procedure in the Court was very much altered. By the 12th sec. it is enacted that it shall be lawful for the Court, or for any of the Masters of the Court, in any suit or matter pending or being heard before them, to direct the whole or any part of the evidence relating to such matter, to be taken either *vivâ voce* on oath before the Court or Master, or upon affidavit instead of upon interrogatories, or in addition to an examination upon interrogatories. By reason of this enactment the secret examination of witnesses on written interrogatories has fallen into disuse, and the business of the Examiner of the Court in relation to such examinations has entirely ceased.

By the Act of 19th and 20th Vic. c. 92, powers are given to the Court of Chancery to make General Orders, and acting under such powers, the Lord Chancellor issued the several "General Orders," bearing date the 19th day of May, 1857.

By the 11th of said General Orders it is provided "that when any of the parties to any cause petition desires at any stage of the cause, that evidence shall be adduced orally, whether affidavits shall or shall not have been previously filed on behalf of said party, and shall make an application, on notice for the purpose, stating the names of the witnesses to be examined, the Court or Master, as the case may be, may order and direct that the same shall be taken orally at, and within such times, and upon such terms, as shall be fixed by the order, before the Court itself or the Master, or before one of the Examiners of the Court, or by, or before an Examiner, to be specially appointed for the purpose," and the 12th, 13th, 14th, and 15th of said "General Orders" prescribe the mode of conducting such examination.

By these orders a total change has been effected, as well in the nature, as in the course of proceedings in the Examiner's office, and duties are thereby imposed which did not originally appertain to the office at the time of my appointment; for by the Act of 4th Geo. IV. c. 61, the duties of the Examiner-in-Chief are defined to consist in taking in private the depositions of witnesses to all such *written interrogatories* as might, from time to time, be filed for examination in *chief only;* and by the 49th sec. it is enacted that "all examinations in aid" of the "statement of accounts or other inquiries depending before the Masters, shall be had before the Examiner of the Master, in whose office such statement or inquiry may be depending." Now, by the said General Orders of the Court, of the 19th May, 1857, not only is evidence in chief henceforth directed to be taken *vivâ voce* in public by the Examiner-in-Chief, but, in addition thereto, the distinction which had theretofore existed between "Examiners-in-Chief" and "Examiners-in-Aid," has ceased, and the duties of examinations in aid, are, for the first time, imposed upon the Examiner-in-Chief. However, notwithstanding these new duties, the business in the Examiner's office is inconsiderable. Since the date of the orders above referred to, there have been, to the present time, only seventy cases referred to me to take examinations, viz., six in which witnesses, who had made affidavits, were cross-examined in relation to the matter of such affidavits, pursuant to the 13th of said "General Orders;" two from the Court of Chancery; two from the Rolls Court; fifty from the senior Master in Chancery, and the remainder from two of the other Masters; the fourth Master not having ever referred any case to me for examinations.

4. *The statutable or other authority under which each appointment in the office was made, and the person in whom the right of appointment is vested.*

In the Act of Parliament prohibiting the sales of offices, the right to make sale of his office was reserved to my predecessor, and by virtue of that right of sale, I was, for valuable consideration, nominated by him, and appointed to said office, by deed, bearing date the 18th day of November, 1835, by the Right Hon. Sir William M'Mahon, Bart., then Master of the Rolls, in whom, for the time being, is vested the right of appointment to the offices of the Examiners-in-Chief. Mr. St. John Braddell was appointed by me, as sworn Assistant-Clerk, under the provisions of the Act of 6th Geo. IV. c. 30.

Long prior to, and until the year 1856, there had always been two Examiners-in-Chief; Mr. Webb, one of the two Examiners, died in that year, since when, the Master of the Rolls has not made any appointment in his place; his office, however, still remains open, and Mr. Knaggs, who had been his Assistant-Clerk, attends to the office.

(Signed), H. M. QUINAN.
Chief Examiner, Chancery.

12th September, 1862.

II.—13. RETURN as to DUTIES and APPOINTMENT of OFFICERS. RICHARD WELD LITTON, Esq., Examiner to MASTER LITTON.

COURT OF CHANCERY, IRELAND.
Master Litton's Office.
Return as to Duties and Appointment of Officers.
R. W. Litton, Esq. Examiner.

1. *The nature and extent of the duties performed by the Examiner and each Officer, other than the Master, in Master Litton's Office.*

I. DUTIES OF EXAMINER.

To attend at the office from 11 to 4 daily during term, and while the Lord Chancellor and the Master of the Rolls are sitting.

In the short vacation, from 11 till 2; in the long, from 11 till 1 o'clock.

To take affidavits when required anywhere within a circuit of ten miles of Dublin, and to initial all exhibits referred to in the affidavits.

To sign all summonses for proceedings before the Master.

To examine every account lodged in the office, to see that it is properly prepared, and fit to be passed; to vouch all accounts of receivers, guardians, &c., before they are passed by the Master.

To attend all sales and lettings, and see that they are entered in the Letting Book.

To account for all cash received for documents; to lodge the money in the Bank of Ireland to the credit of the Suitors' Fee Fund every month, after having taken a joint affidavit with the Assistant-Clerk before the Master as to the correctness of the account.

To examine witnesses if an order of the Court is made for the purpose; to strike special juries if necessary.

To see that all the books of the office are properly kept, and the necessary returns correctly made out.

To account yearly to the Lord Chancellor for the incidental expenses of the office.

To see that all documents for the Master's signature are proper and correct, and get same signed and filed in the Registrar's office.

To see that all deeds and documents lodged in the office are safely cared for and delivered to the proper parties when required.

To pay the scrivenery clerks the amounts due to them, deducting the money from the cash received for copies of documents required by the public.

To superintend generally all the multifarious duties of the office, and to assist the Master in the business of the office, as he may suggest or require.

II. DUTIES OF ASSISTANT CLERK.

To attend regularly at the office, and to keep the books for the entry of summonses and notices of proceedings before the Master; to receive the pleadings filed, and to see that they are duly verified, and that they have the proper stamps on them; to prepare the day lists of proceedings before the Master, and to see that the printer gets them before publication the next day in the "Legal Diary." To receive all deeds lodged, and compare them with the schedules, setting them out; to enter in the Office Fee Book every sum of money received for documents, and to account to Examiner for same, and to assist the Examiner in all the minor duties of the office.

To receive the public in the outer office, explain to the solicitors and suitors the practice of the office, according to the Master's directions; to search for documents, and show same to the parties interested, and answer questions relating to same, as far as lies in his power.

III. DUTIES OF MASTER'S REGISTRAR.

To prepare the Master's list; to sit in Court with the Master, and call the cases in his list for hearing; to collect and bring into Court all necessary documents; to take down the attendances for solicitors and counsel for each party; to enter the documents which are read in evidence on all sides; to mark the attendances of parties on the backs of summonses and notices; to take down all decrees, orders, and rulings, as pronounced by the Master, and any other duty which the Master may direct the Registrar to perform, such as taking down occasionally *viva voce* evidence, and assist generally in the office.

IV. DUTIES OF SCRIVENERY CLERKS.

To attend daily at the office to engross all reports, orders, &c., &c.; to make out all copies of documents required by the public; to compare with the originals all copies of documents issued from the office, and to aid the Assistant-Clerk in the business of the office as regards the arranging of books and documents in alphabetical order in the press assigned to them.

2. *The Statutes, Warrants, Orders, or other authority, by which such duties are imposed or regulated.*

The duties are imposed and regulated by general orders, &c., founded on the Chancery Regulation Act (Ireland), 1850—

Act of 4th Geo. IV. chap. 61, sec. 47.
Act 6th Geo. IV. chap. 30, sec. 19.

3. *The changes (if any) in the nature and extent of the duties to be performed by each officer in the office since his appointment.*

There has been no change in the duties of Master Litton's Examiner since his appointment.

The changes which have taken place in the nature and extent of the duties of the Assistant-Clerk from the time of his appointment, on the 31st January, 1837, arise principally from an immense increase of the business, and the various and important changes effected in the practice from time to time, and the imposition upon the Master of many new and important duties by successive Acts of Parliament and General Orders, and amongst others, of the Chancery Regulation Act, 1850, upon each of which occasions new duties devolved upon the Master's Clerks.

4. *The statutable or other authority under which each appointment in the office was made, and the person in whom the right of appointment is vested.*

The Examiner was appointed "during good behaviour," under the Chancery Regulation Act, 1850, 13 and 14 Vic. c. 89.

The Assistant-Clerk was appointed by the late Master Connor, on 31st January, 1837, by virtue of an inherent authority arising from his office, and in accordance with a right then exercised by all the Masters respectively, and which right was subsequently recognized and confirmed by Acts of the 4th Geo. IV. c. 61, and 6th Geo. IV. c. 30, and more recently by the 13 and 14 Vic. c. 89, by which latter Act the tenure of the office, which had been previously during pleasure, was changed to that of good behaviour. The right of appointment is vested in the Master.

The Registrar, Joseph Weld, Esq., was appointed by Master Litton, pursuant to Treasury Warrant, dated 1st June, 1857, and was sworn in in October, 1860. The appointment to each of the above offices is vested in the Master in Chancery, when any vacancy occurs during his Mastership.

(Signed), R. W. LITTON.

27th September, 1862.

II.—14. Return as to Duties and Appointment of Officers. William Peters Smith, Esq., Examiner to Master Brooke.

1. *The nature and extent of the duties performed by myself and each officer other than the Master, in Master Brooke's Office.*

My duties as Examiner are—

To attend daily at my office, from 11 to 4 o'clock during term, and the sittings of the Lord Chancellor, and the Master of the Rolls, from 11 to 2 o'clock, in short vacation, and 11 to 1 o'clock, in long vacation.

To sign summonses for proceeding before Master.

To administer oaths (in discharge of which duty I am liable to be called from my office to any place within ten miles of Dublin).

To examine every account that is lodged in the office, ascertain that it is properly prepared, and in a fit state to be passed.

To attend all sales and lettings, and take down the biddings.

To enter all lettings in the Letting Book; vouch all accounts of receivers, guardians, committees of lunatics, &c., previous to Master Brooke passing the same.

To vouch charges, discharges, and accounts, in which the credits claimed are supported by vouchers.

To vouch every notice of application to Master Brooke, for payment of funds in Court.

To examine witnesses when an order of Court is made for the purpose.

I am responsible for the custody and delivery to the proper parties of deeds and documents lodged in Court. I settle every draft order and certificate of every sort (save under the Trustee Acts) signed by Master Brooke, and perform any other duty required by Master Brooke in aid and furtherance of the public business of his office.

The duty of the Assistant-Clerk (Campbell Moore, Esq.,) is to attend at office hours, as above stated; to keep the books necessary for regular entry of summonses and notices of proceedings before the Master.

To receive the pleadings filed, and to ascertain that they are tendered in proper time, duly verified, and that proper stamp duties are annexed.

To keep the book in which all such documents are entered daily.

To prepare the day lists of proceedings before the Master.

To receive all deeds lodged, and compare the same with the schedules purporting to set them out.

To enter in the office Cash Book every sum of money received for office fees, and to perform any other duty required as a general assistant in the office.

So far as I can detail them, the foregoing form a principal portion of the multifarious duties discharged by this officer.

The duty of the Master's Registrar (W. G. Brooke, Esq.,) as performed in Master Brooke's office, is—

To attend in Court, when the Master sits, with the necessary documents for discharging the day list; to call the day list; to enter in the Master's ruling book the attendance of the parties, the documents read in evidence, and the Master's rulings, the latter duty requiring considerable accuracy and care, as those rulings form the ground and authority for the Master's order, report, or certificate. In addition, Master Brooke assigns to his Registrar the duty of examining draft reports and certificates, under the Trustee Act, before he finally settles the same.

The Registrar's duty is also to ascertain that every document offered in evidence is duly stamped, where stamps are requisite, and to mark as read the several documents entered as received in evidence; to fill up the certificate to the accounts of Receivers; to keep a book in which to enter all cases when the attendance of more than one counsel is allowed by the Master; and generally to perform the duties of a Registrar sitting in Court with a Judge.

The duties of the Scrivenery Clerks (Messrs. M'Conn and Nichols), are to attend daily at the office hours, as above stated; to engross all reports, orders, and tenants' leases; to make out all attested copies of documents required from the office; to keep the papers used and referred to in the office, in their proper depositories; to hand to solicitors and all parties requiring them, the several documents of which inspection is sought for; to file in the Registrar's office, and all other offices of the Court, the documents to be transmitted to them respectively from Master Brooke's office; to compare all documents, copies of which are issued from the office with the originals; to issue attested copies of the Master's rulings, and to give general attention and assistance to the business of the office.

2. *The Statutes, Warrants, Orders, or other authority by which such duties are imposed or regulated.*

The Act 6 Geo. IV. c. 61, by which the appointment of the Examiner and his Clerk, as officers of the Court, is recognised and confirmed, imposes the duty of examination of witnesses, and prescribes the mode of discharging it; various other duties above detailed have, from time to time, been added by successive orders of the Court of Chancery. For the performance of many duties discharged, no order is to be found, and some of them, such as vouching charges, &c., and the settling of draft orders are (as I believe) peculiar to Master Brooke's office.

My appointment having been originally made by Master Brooke, in 1847, for the tenure of "his will and pleasure" and by his consent (so far as regarded me), extended according to the provisions 14 and 15 Vic. c. 35, I feel bound to discharge such duties as he requests me to perform, as if I held office under the same tenure of will and pleasure at which I was appointed. I mention this lest the statement of some duties I discharge as above detailed might be construed into a detail of duties imposed on me by order or authority of the Court.

The duties of the Assistant-Clerk are not, I believe, detailed in any orders of the Court; the performance of them flows from a long, and from time to time varied, course of practice in the Court of Chancery and the Master's office.

The duties of the Registrar are prescribed by the Master, and I cannot call to mind any order of the Court by which that officer is enjoined to perform any particular act.

3. *The changes (if any) in the nature or extent of the duties to be performed by each officer in the office since his appointment.*

The change in the duties performed by the Examiner and Assistant-Clerk has been very great since the date when they were respectively appointed and sworn in as Officers of the Court—the Examiner in 1847, and the Assistant-Clerk in 1849.

By the operation of the "Court of Chancery (Ireland) Regulation Act, 1850," the proceedings in Chancery, under the Old Bill and Answer System, were either abolished or their practice became obsolete. It would be a very tedious, and I respectfully submit, unprofitable task to detail the changes in their rise and progress, which have affected the office and duties of the Examiner and Assistant-Clerk from the year 1843 (when Lord St. Leonards, then Sir Edward Sugden, Lord Chancellor of Ireland, issued a code of orders to govern and regulate the offices and proceedings of the Court of Chancery, those rules or orders being 203 in number) to the present time, when the number of orders for the same purpose amounts to upwards of 400.

According as the value of speedy and comparatively cheap proceedings in Equity became estimated, the business of the Court of Chancery transacted in the Masters' offices became proportionately increased. The jurisdiction of the Masters extended by the Chancery Regulation Act, 1850, to authority co-equal with the Lord Chancellor and the Master of the Rolls, caused a total change in the proceedings in the Masters' offices, and consequently in the duties discharged by the officers appointed previous to that Act, and every year

Court of Chancery, Ireland.

Master Brooke's Office.

Return as to Duties and Appointment of Officers.

W. P. Smith, Esq., Examiner.

since has seen a new set of orders made, from time to time, and intended to apply to the new state of business caused by the operation of that Act.

The duties of the Scrivenery Clerks remain much of the same nature, but increased from time to time in their operation by the Act of Parliament last referred to.

4. *The statutable or other authority under which each appointment in the office was made, and the person in whom the right of appointment is vested.*

The Examiner was appointed by Master Brooke to hold office during "his will and pleasure;" this appointment was confirmed by 14 and 15 Vic. c. 35, (the tenure of office, however, extended to holding "during good behaviour") which Act still retains to the Master the power of the appointment.

The Assistant-Clerk was appointed by me, Master Brooke having confided to me that duty.

The Registrar was appointed by Master Brooke, pursuant to the Treasury Warrant, dated June, 1857, and the Scrivenery Clerks were brought into the office and employed by the Assistant-Clerk (Mr. M'Conn, in the year 1846, and Mr. Nichols, in 1849), and continued therein with the approval of Master Brooke and myself. I believe, however, that the right of appointment to each of these offices is vested in the Master.

(Signed), W. Peters Smith.

September 12, 1862.

Court of Chancery, Ireland.

Master Brooke's Office.

Return as to Duties and Appointment of Officers.

W. P. Smith, Esq., Examiner.

Master Murphy's Office.

Wm. D. Murphy, Esq., Examiner.

II.—15. Return as to Duties and Appointment of Officers. William D. Murphy, Esq., Examiner to Jeremiah J. Murphy, Esq., Master in Chancery, Ireland.

Master Murphy's Office.

Wm. D. Murphy, Esq., Examiner.

1. *The nature and extent of the duties performed by Officers in Master Murphy's Office:—*

William D. Murphy, *Examiner.*—The Examiner has to examine and vouch every account lodged in the office, namely, those of receivers, sequestrators, guardians, committees, executors, administrators, and mortgagees in possession, previous to their appearing in the Master's list. He has also to examine every notice of application for money, and to see that the parties have been declared entitled thereto; and when costs are applied for, that all costs, &c., have been taxed and are still due to the solicitor applying.

He has to examine all postings for creditors, and notices to bind parties, and at times (but not very often) to correspond with solicitors and other parties by the Master's directions.

He has also to take affidavits, and to receive the fees of the office, enter them in the cash-book, and account for them once a month, when, after deducting scrivenery, he pays them in to the credit of the Suitors' Fee Fund. The Examiner has the custody of all the title deeds, and has to see that the proper title deeds are given to purchasers and others, who have obtained orders to get them. Another part of his duties was to examine witnesses in aid of accounts, but this practice has now become obsolete. The Examiner signs all summonses, and certifies attested copies of documents.

William O'Callaghan, *Assistant-Clerk.*—He has to enter the receipt of every charge and discharge, &c., when brought in to be filed in the Master's office, in a book kept for the purpose, and to mark the receipt of same on the back of each document. He has to enter the receipt of every order of reference to the Master made by the Lord Chancellor and Master of the Rolls in same book, and to mark on the back of such document the receipt of same. He has to enter in said book the date of every order made by the Master in each cause and matter, and the day of filing same in the Registrar's office of the Court. He has to issue all summonses required in certain cases for the purpose of parties attending before the Master, and enter such summonses in a book called the Summons Book, for the respective days such summonses are issued for, as also all notices where notices instead of summonses will answer. He has to make out a list of such causes or matters as are appointed to be heard each day by the Master, and to select the documents in each case for each day, to be taken into Court for the Master's use. When sales or lettings are ordered by the Master to take place publicly in his office, the Assistant-Clerk has to examine and initial all postings for such sales or lettings previous to the Master's signature, and enter the day that such sale or letting is to take place in the Summons Book, being a book of reference by the public. He has (when such days come round) to enter in the sale book, the description of the property to be sold or let, fully, as set out in such posting. He has to take down the biddings at such sales or lettings, and attend the Master in Court, to get the purchaser or tenant declared by him. He has to enter in a book, called the "Receiver's Book," ordered by the Court to be kept in the office as a public book, the day of lodging of every receiver, sequestrator, or guardian's account brought into the Master's office for the purpose of passing, the parties' names in each case, the name of each receiver, sequestrator, or guardian; the date of their appointment, and the solicitor's name to each account. He has to make searches, when required by the public, for old documents, filed, perhaps, in some cases, half a century; in such cases, he is obliged to have the assistance of the Scrivenery Clerk.

Edward Baker, *Registrar.*—He has to sit in Court with the Master, to call the cases in list for hearing; to take down the attendance of solicitor and counsel for each party; and to see that respondents have entered appearances; and to mark on the back of summonses and notices the dates of attendances, and to initial same; and when two counsel attend for any party, to enter in a separate book such attendance, and that it was a fit case for the attendance of two counsel; to enter in minutes the documents read in evidence, and to endorse all such documents. To take down the decrees, orders, and rulings as pronounced by the Master, and to examine and amend the drafts of the orders, and see that they are in proper form and according to minutes before presented to Master for his approval. To examine all deeds, to see they are correct before Master signs them, and to witness his signature; and to examine the probates of wills produced in evidence, to see that the proper stamps are on them; and in many cases, taking down the oral examination of witnesses examined *vivâ voce* before the Master, and generally to perform the duties of a Registrar sitting in Court with a Judge.

Henry Ferguson, *Scrivenery and Comparing Clerk*—Copies all documents bespoke in the office; engrosses reports and orders for Master's signature; compares same before signing; attends at the Registrar's office, files same, endorses on the back of the drafts the date of filing. Has the charge of the Master's ruling books; indexes same, and produces them for inspection when required; assists in arranging papers in the office, and making searches when there is a pressure of business, or in the absence of any of the officers.

He is assisted in copying and comparing documents by Thomas Ferguson.

2. *The Statutes, Warrants, Orders, or other authority by which such duties are imposed or regulated.*

The duties of the officers are authorized by Act of 4 Geo. IV. chap. 61, sec. 47, authorizing examination of witnesses. Act 6 Geo. IV. c. 30, sec. 19, empowering Examiners to take affidavits. The general order of 19th May, 1857, and Master Murphy's directions, and Treasury Warrant of 12th May, 1857, and the general practice of the office for many years.

3. *The changes, if any, in the nature or extent of the duties to be performed by each officer in the office since his appointment.*

The only material change is the cessation of examination in aid of accounts, and the introduction of the system of vouching accounts by the Examiner, and of his examining the notices of application for money.

4. *The statutable or other authority under which each appointment in the office was made, and the person in whom the right of appointment is vested.*

The Examiner is appointed under the Act of 4 Geo. IV. c. 61, sec. 47.

The Assistant-Clerk under Act of 6 Geo. IV. c. 30, sec. 17.

The Master's Registrar, under Warrants of Lords of the Treasury, dated 12th May, 1857.

The Scrivenery Clerk is generally appointed by the Examiner, and by an Order dated 3rd June, 1859, made in pursuance of a Treasury Warrant, is entitled to be paid a certain sum per week in addition to what he makes by scrivenery.

The offices of Examiner and Assistant-Clerk, are directed by the Act of 13 & 14 Victoria, c. 89, sec. 35, to be held during good behaviour. The Registrar is also directed to hold his office during good behaviour, by Treasury Warrant.

The right of appointment of the offices of Examiner, Assistant-Clerk, and Registrar, is vested in the Master.

(Signed),
William D. Murphy, Examiner.

August, 27, 1862.

II.—16. Return as to Duties and Appointment of Officers. James A. Lyle, Esq., Examiner to Gerald FitzGibbon, Esq., Master in Chancery, Ireland.

Master FitzGibbon's Office.
James A. Lyle, Esq., Examiner.

1. *The nature and extent of the duties performed by the Examiners, and each officer, other than the Master, in Master FitzGibbon's office.*

James A. Lyle, John J. Stanford, } *Examiners.*

To sign summonses and copies of documents requiring attestation.

To take affidavits, and, if necessary, attend for that purpose parties unable to come to the office.

To receive and vouch all accounts of receivers, sequestrators, guardians, and executors, and administrators in administration suits, and when same have been passed by the Master, to strike the balances and prepare the certificates disposing of such balances for the Master's signature.

To examine and vouch all charges and discharges.

To examine parties in a cause or matter upon personal interrogatories, and witnesses in chief and aid to written interrogatories, and to take down their evidence in writing.

To examine and settle all draft orders and reports.

To hold sales and lettings.

To prepare the leases of tenants under the Court; receive and account for the cash lodged for same.

To examine and settle all receivers' and tenants' recognizances and Master's certificates.

To have the custody of all deeds lodged in the office by order of the Court, and to superintend the giving out of same when required; and also the custody of all leases under the Court executed by the Master.

To account monthly, upon oath, for all fees paid into the office.

To prepare the annual return, pursuant to the 141st General Order of March, 1843.

The abolition of the Six Clerks' Office by the Act 6 and 7 William IV. c. 74, entailed upon the Master's Examiners very considerable trouble and responsibility, in consequence of the numerous applications made daily by solicitors and their clerks for information with respect to the preparation and passing of receivers' accounts, and as to the general practice of the office.

To attend the Master daily with all papers requiring his signature.

2. *The Statutes, Warrants, Orders, or other authority by which such duties are imposed or regulated.*

The 4 Geo. IV. c. 61; 6 Geo. IV. c. 30; 4 and 5 Wm. IV. c. 78; 5 and 6 Wm. IV. c. 55; 13 and 14 Vic. c. 51; 13 and 14 Vic. c. 89; 19 and 20 Vic. c. 92, and the different General Orders of the Court of Chancery and Master's orders, made from time to time.

3. *The changes, if any, in the nature or extent of the duties to be performed by each officer in the office since his appointment.*

There have been changes made in the practice of the Master's office, in consequence of the abolition of some of the General Orders and alteration of others, but not to the extent of affecting the duties of the officers in point of diminishing or increasing such duties; but upon the abolition of the office of the late Master Henn, in March, 1857, all the receivers' accounts, and the business connected therewith, were transferred by the Lord Chancellor's Order of 26th March, 1857, to this office, and added considerably to the increase of business and duties connected therewith.

4. *The statutable or other authority under which each appointment in the office was made, and the person in whom the right of appointment is vested.*

James A. Lyle, appointed Examiner by Acheson Lyle, Esq, the late Master, by deed dated 8th August, 1860, under the Acts of the 4 Geo. IV. c. 61, and 13 & 14 Vic. c. 89, sec. 35, and duly enrolled.

John J. Stanford, appointed Examiner by the late Master Henn, by deed dated 13th September, 1851, under the Acts of 4 Geo. IV. c. 61; and 13 & 14 Vic. c. 89, sec. 35, and duly enrolled.

Upon Master Henn's death, in March, 1857, his office was abolished, and his Examiner (J. Stanford) was by Treasury Warrant, dated 18th May, 1857, and Lord Chancellor's Order thereupon, dated 1st June, 1857, transferred as Examiner to the Receiver Master's office.

The office of Examiner is held for life, and upon a vacancy occurring, the patronage is vested in the Master for the time being, under the Acts above stated.

Luke Davis, *Assistant-Clerk.*

1.—This officer has to receive all orders of reference made to the Master; deeds, accounts, and all other documents brought into the office; to endorse on each the date of lodgment; to see that the proper stamps are affixed to the several documents requiring stamps, and to see that the receivers' accounts are duly made out and verified according to the prescribed forms, and occasionally to examine and vouch such accounts. He keeps the Master's Engagement Book, and makes an entry therein of all summonses and notices issued for proceedings before the Master. He receives the office fees, and accounts for same upon oath every month. He has to enter an abstract, in books kept for that purpose, of all accounts of receivers or guardians, when passed and certified by the Master, before same are filed in the Registrar's office; to answer questions as to office practice, and, in short, to assist the Master's Examiners in carrying on the office business in general.

2.—Statute under which Mr. Davis was appointed Assistant-Clerk, 13 & 14 Vic. c. 51, sec. 17; 13 & 14 Vic. c. 89, sec. 35. Right of appointment vested in the Master.

RICHARD KING, *Assistant-Clerk.*

1.—The duties performed by this officer, since his removal to this office from that of the late Master Henn, by Treasury Minute of the 18th May, 1857, and the Lord Chancellor's Order thereon of the 1st June, 1857, are those of Registrar to the Master; and consist of attending in Court during his sittings, and in a rough book, taking a note in each case heard by him of the attendance of the parties, their counsel and solicitors, and the evidence given, marking all documents put in as proofs, and making a minute of all orders and decisions made, and afterwards preparing and fair copying in a more extended form for Master's perusal, the minutes of such orders and decisions, which, when approved of by him, form the official records of the proceedings before him in all causes and matters depending in the office; such duties occupy the entire, or very nearly the entire, time of this officer during the ordinary office hours, and occasionally when there is a press of business beyond such ordinary office hours, with the exception of the ordinary vacations.

2.—Such duties are not imposed or regulated by any statute, warrant, or order, but were by Acheson Lyle, Esq., late one of the Masters, the present Master's predecessor in office, assigned to this officer on his removal as above mentioned.

3.—The changes which have taken place in the nature and extent of his duties from the time of his appointment, on 3rd January, 1816, up to the year 1857, when the late Master Henn died, and his office was discontinued, were very great, arising principally from an immense increase of the business, and the various and important changes effected in the practice from time to time, and the imposition upon the Master of many new and important duties by successive Acts of Parliament and General Orders, and amongst others, by the Chancery (Ireland) Regulation Act, 1850, upon each of which occasions new duties devolved upon the Master's clerks. On the late Master Henn's death, and the discontinuance of the office which had been held by him, Mr. King was removed to this office, and the duties of Registrar were assigned to him, and which he has since continued to perform without prejudice to his statutable rights as an Assistant-Clerk.

4.—Appointed by William Henn, Esq., the father and predecessor in office of the late Master Henn, on the 3rd of January, 1816, by virtue of an inherent authority arising from his office, and in accordance with a right then exercised by all the Masters respectively, and which right was subsequently recognised and confirmed by the Acts of the 4 Geo. IV. c. 61, and 6 Geo. IV. c. 30; and more recently by the 13 & 14 Vic. c. 89, by which latter Act the tenure of the office which had been previously during pleasure, was changed to that of good behaviour. The right of appointment is vested in the Master.

JOHN BROPHY, *Scrivenery Clerk.*

1.—To make copies of the Master's rulings and judgments, and all documents lodged in the Master's office for parties requiring and entitled to same, and to engross the Master's reports and orders for filing in the Registrar's office.

To keep classified and arranged, and produce for inspection of suitors and their solicitors, all documents lodged in the office (to copies of which they are entitled), as also the Master's rule, letting, and sale books, including those of the late Equity Exchequer, and the late Master Henn.

To select and arrange on each day during the Master's sittings, such papers as he may require, and as relate to the causes or matters in his list; to check over and return same to their respective alphabets after the Master rises.

To take charge of title deeds and other original and miscellaneous documents used before the Master during his sittings (after same have been inspected and marked by him or his Registrar) and return them to the proper solicitors who lodged same.

To prepare from the office-books during vacation, the Annual Returns, required by 4 & 5 William IV. c. 78, and General Orders.

To make an abstract in the letting book of all postings for lettings, and of the lease of every tenant under the Court executed by the Master, and index same.

To index from day to day, the Master's Rule-book.

To enter in the "Index to Receivers Book" all appointments.

To make copies in the Master's Letter Book of official letters, and index same.

2.—The above duties are not regulated or imposed by any statute, warrant, or order. It has been the custom and practice of the office, before the appointment of the present Master or his predecessor, to have these duties performed by the Scrivenery Clerk.

3.—The nature and extent of the duties were much increased by the transfer of the Receiver business of the late Master Henn's office to this department.

4.—Appointed in 1835, Scrivenery Clerk in the late Equity Exchequer office, and in 1845, a Clerk in the office for Audit of County Treasurers' Accounts, by Acheson Lyle, Esq., in exercise of his right as Chief Remembrancer of the Equity side of the Exchequer, and appointed Scrivenery Clerk under the Order of the present Lord Chancellor, dated 3rd June, 1859. The right of appointment is vested in the Master.

Department of the Master's Office for Audit of County Treasurers' Accounts, pursuant to the 1st Vic. c. 54, and Orders made by the Lord Lieutenant in Council thereunder, dated 31st October, 1837, and Order of the Lord Chancellor, dated 2nd November, 1860, pursuant to 13 & 14 Vic. c. 51, sec. 23.

LUKE DAVIS, *Registrar and Receiver of Fee Fund.*

He has to receive and open letters on official business; submits them, when necessary, to the Master, and under his directions answers them. A good deal of official correspondence takes place, not only with the County Treasurers, but also with the Clerks of the Crown, Secretaries of Grand Juries, contractors for public works, and other persons interested in Grand Jury presentments; and the proceedings of the above department of the Master's office are regularly recorded from day to day. He has to see that each County Treasurer's account is rendered in proper form and time after every assizes, and to examine and compare it with the Treasurers' account with the county bank, and it is checked by clerks under his directions. He notes the Treasurers' accounts, and submits them to the Master for his inspection and audit. He receives the Master's instructions on all points or questions arising thereupon, and carries them into effect. He has to re-cast each account as varied or altered by the Master for his final declaration and signature, and afterwards to transmit copies of same as certified by the Clerk of the Privy Council, to the several Treasurers, Clerks of the Crown, and Secretaries of Grand Juries. He has to examine estimates of advances for support of gaols and charitable institutions, as furnished by the County Treasurers, pursuant to the Act 1 & 2 Vic. c. 116; and to make out orders authorizing such advances when necessary; and also orders for the investment of county moneys in Exchequer Bills, and for the sale thereof from time to time, as occasion may require, for payment of interest money to County Treasurers, and for vacating their recognizances, &c. He has to keep accounts of the Fee Fund, as directed by the 20th sec. of 1st Vic. c. 54; and for this purpose he has a public account with the Bank of Ireland, a separate account with each county, and a current account of the expenses of the said department; and he has to render an account annually of his receipts and payments, to be laid before Parliament. It is also his duty to examine and submit to the Master for his inspection and audit, the accounts of the Commissioners of Charitable Donations and Bequests for Ireland, pursuant to 7 & 8 Vic. c. 97, sec. 20; and also the accounts of the Collector-General of Rates in the city of Dublin, pursuant to the 12 & 13 Vic. c. 91, sec. 19, and Warrant of the Lord Lieutenant thereunder, bearing date the 4th day of May, 1854.

COURT OF CHANCERY, IRELAND.
Master FitzGibbon's Office.
Return as to Duties and Appointment of Officers.
James A. Lyle, Esq., Examiner.

MICHAEL GRADY, *Senior Clerk.*

He examines the tots of the County Treasurer's accounts, and numerous schedules of details connected therewith, as rendered for audit twice a year, viz.—after every spring and summer assizes, and the moneys thus accounted for, amount to about £1,300,000 a-year. He also examines the tots of the accounts rendered annually by the Board of Bequests of the sums passing through their hands arising from charitable donations and bequests, and the funds accounted for by them for the year 1861, amounted in the whole, to the sum of £225,907 0*s.* 10*d.*, spread over 314 separate debtor and creditor accounts of different charities. He also examines the tots of the accounts of the Collector-General of Rates in the city of Dublin, who accounted before the Receiver Master on the 11th of March last, for rates to the amount of £178,079 8*s.* 8*d.* He makes out copies of the County Treasurers' accounts, when examined and passed, to be signed by the Master and lodged with the Clerk of the Privy Council. He calculates interest on Exchequer Bills, to which certain County Treasurers are entitled for their own use, under the 1st Vic. c. 54. He also calculates what fees are payable on their accounts, and attends to several other matters of office details.

The Assistant Clerks, namely, Joseph Davis, Joseph Porter, and Valentine Ball, examine (and note down in every case the result of their examination for the Registrar) all receipts and vouchers transmitted with the County Treasurers' accounts, compare same with the payments for which credits are sought in each account, item by item, as specified in voluminous schedules, and in the several county banks' pass-books. They also examine the receipts and vouchers of the said accounts of the Board of Bequests. They have to make copies of the County Treasurers' accounts as re-cast and signed by the Master, to be transmitted, prior to every assizes, to the several County Treasurers, Clerks of the Crown, and Secretaries of Grand Juries, and finally, to make copies of them in books kept in the office for that purpose. They have also to compare with the County Treasurers' accounts half-yearly returns of the expenses of prosecutors and witnesses at assizes and quarter sessions, in order that same, upon being certified by the Master, may be repaid to each county out of the Consolidated Fund. They have also to check monthly returns for the Commissioners of Audit in London, of all sums levied off the several counties in Ireland, and paid over to Her Majesty's Paymaster-General. They have, moreover, to register all accounts and official letters, as they are received from day to day; to make copies of all letters written on office business, as well as of all orders and certificates signed by the Master in the matter of any of the accounts aforesaid. They have to make up and forward parcels from the office containing forms of accounts and other documents to be rendered for audit; and they have also to make up in parcels and label all the accounts and vouchers which are disposed of from time to time, and to arrange them in presses for safety and reference. The right of appointment of the Registrar and clerks in this department is vested in the Master, under the said Order in Council of 31st October, 1837.

(Signed), JAMES A. LYLE, Examiner.

20th September, 1862.

I have read this return, and it appears to me to be correct.

(Signed), GERALD FITZGIBBON, *M.C.*

22nd September, 1862.

II.—17. RETURN as to DUTIES and APPOINTMENT of OFFICERS. JOHN O'DWYER, Esq., Senior Taxing Master of the Court of Chancery, Ireland.

In order to answer the requisition, it is necessary to invert the order of the inquiries somewhat; and first as to the fourth head:—

4. *The statutable or other authority under which each appointment in the office was made, and the person in whom the right of appointment is vested.*

The duty of taxing costs in Chancery belonged, from a very early date, to the Masters in Ordinary, who formed a constituent part of the Court, and sat on the bench with the Lord Chancellor, and took accounts, and performed other duties at the end of the Chancery Bench.

In process of time, for convenience sake, the Masters moved into offices; but one of them still retains, for self and brethren, the seat on the bench.

This duty of taxing costs by the Masters was coeval with the Court itself, and no doubt, so far as any of the proceedings took place in presence of or before the Master, was very advantageous; but as that included only a small portion of each bill in a plenary suit, it was of little consequence. It having been considered by competent authority that the Masters in Ordinary had quite enough of other business to occupy them, and, perhaps, that this portion of their business was not very satisfactorily performed, it was determined to relieve them of it, and the office of Taxing Master in England was created by the Act of 5th and 6th Vic. cap. 103, by virtue of which six Taxing Masters were appointed, at a salary of £2,000 a-year each. (It is to be observed that, so far back as the year 1821–22, two Taxing Officers had been appointed for the Courts of Common Law in Ireland, by the 1st and 2nd Geo. IV. cap. 53.)

In the year 1845 the then Lord Chancellor of Ireland, Sir Edward Sugden (now Lord St. Leonards), induced the Government to procure the Act of 8th and 9th Vic. cap. 115, which gave power to the Lord Chancellor to appoint either a Barrister or a Solicitor to be Taxing Master of the Irish Court of Chancery, at a salary of £1,000 a-year, to be aided by such clerks as should be approved of.

Under that Act a Barrister was appointed the first Taxing Master, who appointed two clerks to assist him. Nevertheless, in the year 1848, it became manifest, from the then existing arrear in the office, notwithstanding the utmost diligence of the officers, that the whole business could not be performed by one Taxing Master, with a limited staff of clerks, and in consequence "The Incorporated Society of Attorneys and Solicitors of Ireland" induced the Government to procure the passing of the 11th and 12th Vic. cap. 132, appointing two additional Taxing Masters, at a salary of only £800 a-year each. The Act nominated Edward Tandy, Esq., who had previously been the Vouching or Assistant Clerk to the first Taxing Master, to be one of the two new Taxing Masters, and gave to the Lord Chancellor for the time being the appointment of the third and all future Taxing Masters, by virtue whereof the right of appointment of Taxing Masters is now vested in the Lord Chancellor for the time being.

The reduction of the salaries of the Taxing Masters then appointed to £800 a-year seems, as compared with £2,000 a-year to the English Taxing Masters, to be inadequate to the duties and services performed.

The Irish Taxing Masters do as much work as the English Taxing Masters, inasmuch as the amount of each item in a bill of costs in England is much larger in amount of money than in Ireland; a bill of costs in England, of

100 items, will amount to nearly as much as 200 items in an Irish bill; therefore, an Irish Taxing Master has nearly double the labour in taxing a bill of the same amount in money as an English bill.

The Act of 8th and 9th Vic. cap. 115, gave the Lord Chancellor, as has been said before, the power to appoint a Barrister, which Sir Edward Sugden thought a proper thing to do; but the 11th and 12th Vic. cap. 132, took away from the Lord Chancellor that power, and confined the appointment to solicitors. Now as there are at present three Taxing Masters of the Court of Chancery in Ireland, and as probably there will be always two, it is submitted, and experience has proved it is advantageous that one of them should be a Barrister; and, therefore, the enactment of the 8th and 9th Vic. cap. 115, should be restored.

That Act very properly gave the power of appointment and removal of the clerks in his office to the Taxing Master, but the 11th and 12th Vic. cap. 132, gave the appointment of clerks to the Lord Chancellor, and deprived the Taxing Master, appointed under the 8th and 9th Vic. cap. 115, of the patronage which that Act gave him, without any equivalent, which he considered (*and still considers*) an act of great injustice, depriving him of a vested right; and, moreover, he considers it to have been very impolitic. It is submitted that this should be remedied by some future enactment.

The Taxing Masters have a direct interest in having competent and proper clerks under them; and they are, they conceive, the best judges of the competence and diligence of their clerks, and therefore they ought to have the power of appointing and removing them.

But to return to the inquiries submitted by the Commissioners.

1. *The nature and extent of the duties performed by yourself, and each officer in the Chancery Taxing Office, Ireland.*

The duties of the Taxing Masters are the same as formerly belonged to the Masters in Ordinary in relation to the taxation of costs.

After the passing of the 8th and 9th Vic. cap. 115, the Lord Chancellor and Master of the Rolls, acting under the authority of that Act, on the 28th October, 1845, issued certain orders in relation to said office, by the third of which orders it was provided:—"That the Taxing Master shall perform all such duties as have heretofore been referred to, or performed by the Masters in Ordinary, in relation to the taxation of costs, and shall, in respect thereof, have all such powers and authorities as are now vested in the Masters in Ordinary."

The 11th and 12th Vic. cap. 132, placed the new Taxing Masters on the same footing as the Taxing Master appointed under the 8th and 9th Vic. cap. 115.

The name of Taxing Master sufficiently conveys the nature of his duty—namely, to tax or reduce the solicitors' bills of costs for business done by them, so as to make their charges conformable, either to the ancient and accustomed fees, or to the fees prescribed by the several schedules of fees promulgated by the Court from time to time.

The first schedule of fees established for the Court of Chancery in Ireland was that prepared by the four Masters in Ordinary, pursuant to the powers given them by the 192nd General Order of 1834, approved of by the Lord Chancellor and Master of the Rolls, and published in 1839. Other schedules have from time to time been issued and promulgated by the Court—one in 1843, one in 1852, one in 1859, and one in 1860.

It is obvious that "the nature and extent" of the duties performed "by the Taxing Masters" are so various and of so great extent, that it is impossible to set them out; they are as extensive as the jurisdiction of the Court itself, whose officer and minister the Taxing Master is.

The jurisdiction extends to plenary suits, general cause petitions, and what are called 15th section cases under the Irish Chancery Regulation Act of 1850, petitions under the Judgment Acts, and all other Acts giving jurisdiction to the Court of Chancery, and these are numerous,—lunacy, and minor, and other matters.

2. *The Statutes, Warrants, Orders, or other authority by which such duties are imposed or regulated.*

The first question a Taxing Master asks when a bill is presented to him for taxation, is, "By what authority am I called upon to tax this bill?"

Such authority is to be found in a decree or order of the Court, or of the Master, or sometimes his ruling.

Whenever costs are given to a party in a suit, a direction is given to the Taxing Master to tax such costs; there are also certain costs not taxable under any decree or order but by the General Rules and Orders of the Court. For instance, by the 165th General Order of 27th March, 1843, it is provided:—"That the Master shall be at liberty to tax costs between attorney and client, *without any rule or order for the purpose*, upon the application of the client, and upon the written undertaking, to be lodged with the Master, to pay any balance which the Master shall certify." Also, by the 155th General Order of 27th June, 1843, it is provided:—"That in cases of petitions under the Judgment Acts, *where a Receiver has been appointed*, the Master shall, from time to time, if required by any of the parties, or the Receiver, tax the costs of the petitioner, or such Receiver."

The miscellaneous costs of Receivers in general are also taxed without any order, *in aid of the Master in Ordinary*, as forming an item in the Receiver's account, on the passing of which, before the Master in Ordinary, he will allow or disallow such costs as he thinks proper, the Taxing Master merely certifying to him that the charges are correct.

It is plain that from the variety of the schedules of fees a great variety of principle in the taxation of costs takes place, so that sometimes in the same bill of costs different parts are taxed in a different manner, according to the schedule of fees in operation at the time the costs were respectively incurred. Besides, there is a great distinction as to the principle upon which different bills are to be taxed, viz., some as "between party and party," some as "between solicitor and client," some as *quasi* "between solicitor and client," some as "executor's costs," or "trustee's costs," some "costs out of pocket," which sometimes means merely disbursements by the solicitor; and sometimes, as in the Tithe Composition Acts, the very highest class of costs, and sometimes as "costs, charges, and expenses," or any other principle upon which the Court or Master, by decree or order, may direct; the Taxing Master must, therefore, be very vigilant.

But, under the head of the first and second inquiries, it becomes necessary to show the nature and extent of the duties performed by the other officers—*i.e.*, the Clerks in the Chancery Taxing Office, Ireland, and the authority by which such duties are imposed and regulated.

These duties are sufficiently set forth and regulated by the Order issued by the three Taxing Masters on the 10th June, 1856, for regulating their own office, and also by their Order of the 7th November, 1856, both copied at foot.

3. *The changes, if any, in the nature or extent of the duties to be performed by each officer in the office since his appointment.*

No change in the nature or extent of the duties to be performed by the Taxing Masters has been made since their appointment, save so far as the subsequent schedules of fees affect them; but as to the duties of the clerks, it may be useful to refer to the Report of the Commissioners appointed by the Treasury to "Inquire into the duties of the Officers and Clerks of the Court of Chancery in Ireland," bearing date the 21st December, 1858, which furnishes in more detail all the information required by the present Commissioners.

Previous to that Report, the clerks were not the clerks of any one particular Master, but each performed certain specified duties for the *three Taxing Masters*. Some of the Taxing Masters, however, proposed that each should have the entire services of a clerk to himself, and the Commissioners of 1858 concurred in that

Court of Chancery, Ireland. — Taxing Office. — Return as to Duties and Appointment of Officers. — John O'Dwyer, Esq., Senior Taxing Master, Court of Chancery.

suggestion; and, accordingly, the Lord Chancellor, acting upon their report, issued an order, bearing date the 30th April, 1859, whereby he directed—"That one of the three clerks in the office of the Taxing Masters of the Court of Chancery shall henceforth be attached to each of the three Taxing Masters, as said Taxing Masters shall arrange."

Such arrangement was accordingly made, and has been acted on ever since, and is the only change that has been made, and will, no doubt, facilitate a legislative enactment, which shall give to each of the Taxing Masters the appointment of his own clerk, in the same way as the Masters in Ordinary have the appointment of their own examiners and clerks.

(Signed), JOHN O'DWYER,

Senior Taxing Master of the Court of Chancery, Ireland.

"Orders for the arrangement of the Clerks' duties in the Chancery Taxing Office:—

"10th June, 1856.

"It appearing to us that it will conduce to the despatch of public business in the Clerks' Office that their respective duties should be exactly defined, we hereby order that the several Clerks shall perform the duties hereby appointed for each of them, viz.:—1st. That the Chief Clerk shall examine all costs which have been taxed previous to their being certified; that he shall see that all queries have been discharged; and when a special certificate is directed by the Master, that the draft of the certificate has been approved of by the Master; that the proper stamp duty is on the certificate; that the amount of the costs, as certified, is entered in the Master's Book, and that the certificate is entered in the proper Certifying Book; and he is not to hand over the certificate to the Solicitor until such entries are made.

"That the second Clerk shall receive all the bills of costs, orders, decrees, requisitions, and rolls' certificates, to be lodged, and enter the date of the receipt of each in the proper book; that he shall receive the right day notice, and attach same to the bill of costs; and shall mark on the bill the name of the Taxing Master, if it is an old case; or if otherwise, that it is a new case; that he shall issue, and enter in the Masters' Books all the summonses having regard to the Order of the 4th June, 1855; that he shall prepare the day lists of the three Taxing Masters; that he shall prepare the annual returns required by Parliament, or other authority; but whilst occupied at this duty, he shall be at liberty to call on the junior Clerk to take his place, and discharge the ordinary duties of his desk.

"That the third (or junior) Clerk shall index the Court Books of the three Masters; that he shall also index the bound bills of Costs' Books, and the certifying and all other books requiring an index, and tot same monthly; that he shall keep and tot the Striking Book of the Masters, and tot and make up same weekly; that he shall enter in the Receipt Book the date of issuing summonses, and in like manner the date of each certificate.

(Signed,) "JOHN O'DWYER.
"EDWARD TANDY.
"THOS. REILLY."

"Chancery Taxing Office,
"7th November, 1856.

"Ordered—That the second Clerk shall keep filed all official letters addressed to the Masters, or any of them, by Government or the Lord Chancellor, or any other authority, and shall enter in a separate book, to be kept for that purpose, copies of all answers and returns made in reply thereto.

(Signed,) "J. O'DWYER.
"E. TANDY.
"T. REILLY."

Taxing Office. — Thomas Reilly and David Coffey, Esqrs. Taxing Masters, Court of Chancery.

II.—18. RETURN as to DUTIES and APPOINTMENT of OFFICERS. THOMAS REILLY and DAVID COFFEY, Esqrs., Taxing Masters of the Court of Chancery, Ireland.

Chancery Taxing Office,
Four-Courts, Dublin,
February 19, 1863.

SIR,—In reply to your communication on the part of Her Majesty's Commissioners for Inquiring into the Superior Courts of Common Law in England and Ireland, we beg to state that having been favoured with a perusal of the queries supplied to our colleague, Master O'Dwyer, the Senior Taxing Master of the Court of Chancery (Ireland), and his replies thereto, we beg to say, that we entirely assent to his replies to the queries, and the information he has afforded upon the nature and extent of the duties performed by the Taxing Masters, and the officers connected with the Taxing Office; also the statutes, warrants, orders, or other authority by which said duties are imposed or regulated.

The order of the 10th June, 1856, referred to by Master O'Dwyer, sets out very fully the arrangement and duties of the clerks attached to the Taxing Office, and we find nothing to add thereto.

As to the subjects referred to, and commented upon by Master O'Dwyer, which are not necessarily embraced by the "queries," we do not feel called upon to discuss them, or offer any opinion thereon, except so far as to express our dissent to his observation, "that experience has proved it advantageous that one of the Taxing Masters should be a barrister."

Upon this observation, or suggestion, we take leave respectfully to say, that in our opinion the functions and practice of a barrister are unsuited for the acquisition of that species of information, necessary to the practical discharge of the duty of taxation of solicitors' costs, and which solicitors are professionally trained to understand, and therefore more competent to discharge.

We are, Sir, your obedient servants,

(Signed,) THOMAS REILLY,
DAVID COFFEY,

Two of the Taxing Masters of the Court of Chancery, Ireland.

W. Neilson Hancock, Esq., Secretary,
Law and Chancery Commission.

II.—19. Return as to Duties and Appointment of Officers. Digby Pilot Starkey, Esq., Accountant-General of the Court of Chancery, Ireland.

1. *The nature and extent of the duties performed by the Accountant-General of the Court of Chancery, Ireland, and each of his clerks.*

The Accountant-General's duty is to keep and control the Account between the Court of Chancery and the Bank of Ireland; he certifies to the Court as to transfers and lodgments not having been made; he certifies to the bank every lodgment and transfer under the orders of the Court; he transfers stock every day in the week except Saturday to parties or new credits; he draws drafts for cash; he invests cash from time to time in stock; he prepares copies of accounts and certificates of funds in bank, &c.; he attends at his office for these purposes every day during the office hours fixed by the Court; he keeps separate accounts in the causes and matters, and a general account with the Bank; he balances his accounts yearly; he makes a return quarterly to the Treasury of receipts and expenditure in "The Suitors Fee Fund," "The Interest and Produce of the Compensation and Fee Fund," and "The Bankruptcy Fee Fund" accounts. In the performance of these duties he has the assistance of eight clerks. The Chief Clerk has the general management of the details of the business; receives, reads, and notes the orders as they come in, and sees that they are accurately carried out; besides himself aiding, as far as time will permit, in the drawing of drafts and transfers, &c.; the other clerks draw drafts and transfers, keep the books, copy accounts, fill certificates, &c.

2. *The Statutes, Warrants, Orders, or other authority by which such duties are imposed or regulated.*

The Accountant-General acts under the authority of Parliament, and of the general and special orders of the Court of Chancery, Bankruptcy, and Probate. The Acts and orders are of course too numerous to be referred to in detail.

3. *The changes, if any, in the nature or extent of the duties to be performed by each officer in the office since his appointment.*

The duties of the Accountant-General and of his clerks have been largely increased by various statutes since the present officer began to act in 1842. Then five clerks sufficed for the business, now eight are barely sufficient. The principal addition has been the throwing of the whole department of the Equity Exchequer into Chancery, by the 13th & 14th Vic. cap. 51, including all railway matters. Under the 20th & 21st Vic. cap. 60, the Accountant-General has been appointed Accountant-General of the Court of Bankruptcy; and under the 20th and 21st Vic. cap. 79, Accountant-General of the Court of Probate. The operation of the various Trustee Acts has likewise greatly increased the business of the office.

4. *The statutable or other authority under which each appointment in the office was made, and the person in whom the right of appointment is vested.*

The Accountant-General is appointed by the Crown, under the 23rd and 24th George III. cap. 22. He is not certain under what statute his chief and two senior clerks are appointed. The right of appointment appears to vest in the Lord Chancellor, though the Accountant-General has claimed to have the appointment in himself, on the ground of early precedent, as well as because it appears reasonable that he should have the nomination of those persons who act for him, and for whom he is supposed to be responsible. The other clerks have been appointed from time to time by the Lord Chancellor, under the powers vested in him by the 6th and 7th William IV. cap. 74.

Digby P. Starkey, Accountant-General.

Accountant-General's Office,
Court of Chancery.

Dublin, 30th October, 1862.

Court of Chancery, Ireland.
Account-ant-General's Office.
Return as to Duties and Appointment of Officers.
Digby Pilot Starkey, Esq., Account-ant-General, Court of Chancery.

Court of Chancery in England.

Returns as to Duties and Appointment of Officers.

Appendix P.—Returns as to Duties and Appointment of Officers of the Court of Chancery in England.

Court of Chancery in England.

Returns as to Duties and Appointment of Officers.

CONTENTS.

I.—Circular as to the Duties and Appointment of Officers of the Court of Chancery in England.

II.—Answers thereto, viz.:

	Page
1. Officers of the Lord Chancellor.	
(*a.*) Lord Chancellor's Principal Secretary	119
(*b.*) Secretary of Presentations	120
(*c.*) Secretary of Commissions of the Peace	120
(*d.*) Clerk of Dispensations and Faculties	120
(*e.*) Gentleman of the Chamber	120
(*f.*) Deputy Serjeant-at-Arms	121
(*g.*) Purse Bearer	121
(*h.*) Train Bearer	121
(*i.*) Messenger or Pursuivant	121
(*k.*) Clerk in the Office of the Lord Chancellor's Principal Secretary	121
(*l.*) Junior Clerk in ditto	122
(*m.*) Usher of the Hall	122
(*n.*) Usher to the Two new Vice-Chancellor's Courts	123
(*o.*) Tipstaff to the Court of Chancery	123
(*p.*) Court keeper to Court of Chancery at Westminster	123
(*q.*) Ten persons appointed to keep order in the Courts of the Lord Chancellor, Lords Justices, and Vice-Chancellors, and of the Stoker to the Court	124
2. Clerk of the Petty Bag Office	124
3. Officers of the Master of the Rolls	124
(*a.*) Principal Secretary of the Master of the Rolls	124
(*b.*) Secretary of Causes and Decrees and Under Secretary at the Rolls	125
(*c.*) Gentleman of the Chamber	125
(*d.*) Second Gentleman of the Chamber and Train Bearer	125
(*e.*) Clerk in the Secretary's Office	126
(*f.*) Junior Clerk in Secretary's Office	126
(*g.*) Porter at the Rolls	126
(*h.*) Usher of the Hall	126
(*i.*) Tipstaff	126
4. Chief Clerks to the Master of the Rolls and the Vice-Chancellors	126
5. Taxing Masters of the Court of Chancery	131
6. Solicitor to the Suitors' Fund	132
7. Senior Registrar of the High Court of Chancery	132
8. Clerk of the Enrolments	134
9. Clerks of Records and Writs	135
10. Accountant General of the Court of Chancery	138
11. Examiners of the Court of Chancery	147
12. Masters in Lunacy	148
13. Visitors of Lunatics	148
14. Registrar in Lunacy	149

I. Circular as to the Duties and Appointment of Officers of the Court of Chancery in England.

English and Irish Law and Chancery Commission,
6, Adelphi Terrace, day of 1862.

Sir,—I am directed by Her Majesty's Commissioners for inquiring into the Superior Courts of Common Law and the Courts of Chancery in England and Ireland to request that you will make a Return showing—

1. The nature and extent of the duties performed by yourself and each officer under you in the ——— Office.
2. The Statutes, Warrants, Orders, or other authority by which such duties are imposed or regulated.
3. The changes, if any, in the nature and extent of the duties to be performed by each of such officers since his appointment.
4. The statutable of other authority under which each appointment was made, and the person in whom the right of appointment is vested.

I am, &c.
(Signed) H. R. Vaughan Johnson.

II. 1. Return made by the several Officers of the Lord Chancellor in England to Questions relative to their Duties and Appointment.

Lincoln's Inn,
My dear Sir, 13th January 1863.

Herewith I have the honour to transmit to you for the information of the English and Irish Chancery Commission, the returns which have been made by the several Officers of the Lord Chancellor and attendants in the several Courts of Chancery to the questions proposed to them by the Commissioners.

I am,
My dear Sir,
Yours faithfully,
H. R. Vaughan Johnson, Esq. (Signed) P. H. Pepys.

II. 1 (*a*). Return of the Lord Chancellor's Principal Secretary to the Questions addressed to him by the English and Irish Courts of Law and Chancery Commission.

Principal Secretary to the Lord Chancellor.

I. *The nature and extent of the duties performed by you in your office?*

The duty of the Principal Secretary is to exercise a general superintendence over the practice in the Principal Secretary's office, in which all petitions addressed to the Lord Chancellor "in Chancery" are received, and in which they are examined to see that they accord with the forms prescribed by the Acts of Parliament under which they are presented, and the orders of Court by which they are regulated.

In this office all orders upon petitions to the Lord Chancellor as Visitor on behalf of the Crown are drawn up and recorded, and affidavits are here filed.

From this office are issued letters missive to peers, warrants to the serjeant-at-arms or messenger attending the Court, and the tipstaff. Also the mandate and warrant to summon the pix jury to assay the coin of the realm.

It is also the duty of the Principal Secretary to examine the evidences of pedigree for the purpose of the issuing of the writ to enable a peer to take his seat in the House of Lords, and to report upon the same to the Lord Chancellor.

COURT OF CHANCERY IN ENGLAND.

Returns as to Duties and Appointment of Officers.

Principal Secretary to the Lord Chancellor.

The usual duties of a Secretary in connexion with the correspondence of the Lord Chancellor on all matters excepting those relating to presentations to livings and to commissions of the peace are also performed by the Principal Secretary.

II. *The Statutes, warrants, orders, or other authority by which such duties are imposed or regulated?*

I am not aware of any Statutes, warrants, orders, or other authority by which the duties of the Principal Secretary are regulated other than by immemorial usage, and the pleasure of the Lord Chancellor.

III. *The changes, if any, in the nature and extent of the duties to be performed by you since your appointment to your office?*

None.

IV. *The statutable or other authority under which your appointment was made, and the person in whom the right of appointment is vested?*

The appointment is made by the Lord Chancellor.

The salary is regulated by the Suitors in Chancery Relief Act, 1852 (15 & 16 Vict. c. 87.)

(Signed) P. H. PEPYS,
5th December 1862. Principal Secretary.

Secretary of Presentations to the Lord Chancellor.

II. 1 (*b*). RETURN of the SECRETARY of PRESENTATIONS to the LORD CHANCELLOR.

I. *The nature and extent of the duties performed by you in your office?*

To attend to and conduct under the Lord Chancellor the business arising from his church patronage.

II. *The Statutes, warrants, orders, or other authority by which such duties are imposed or regulated?*

3 & 4 W. IV. c. 84., 15 & 16 Vict. c. 37.

III. *The changes, if any, in the nature and extent of the duties to be performed by you since your appointment to your office?*

None, that I am aware of. I was appointed November 24th, 1862.

IV. *The statutable or other authority under which your appointment was made, and the person in whom the right of appointment is vested?*

The first portion of this question is answered in No. 2.

The appointment is with the Lord Chancellor.

(Signed) CHARLES FRANCIS TROWER.
9th December 1862.

Secretary of Commissions of the Peace to the Lord Chancellor.

II. 1 (*c*). RETURN of the SECRETARY of COMMISSIONS of the PEACE to the LORD CHANCELLOR.

Stratheden House,
SIR, December 1862.

IN reply to your letter, I have the honour to inform you, on behalf of the Commissioners appointed to inquire into the differences between the Courts of Chancery in England and Ireland that—

The duties of the Secretary of Commissions consist in receiving and investigating all applications made to the Lord Chancellor relating to the appointment of Magistrates.

It is his duty,—

To receive and file all memorials sent to the Lord Chancellor relating to the magistracy of the country.

To answer all letters coming to the Lord Chancellor on this subject.

To make out fiats to the clerk of the Crown to be signed by the Lord Chancellor, for the insertion or removal of names from the commission of the peace.

To correspond with the clerks of the peace of counties and the town clerks of boroughs, with respect to the commissions of the peace, and the insertion of names therein.

To receive members of both Houses of Parliament and others who wish to communicate with the Lord Chancellor on the subject of the magistracy, and to inform the Lord Chancellor of the substance and result of such interviews.

To investigate for the Lord Chancellor applications for the election or removal of coroners.

To make out for the Lord Chancellor's signature fiats to the clerk of the Crown, relating to the above.

To receive and investigate applications relating to commissions of sewers, whether the renewal of existing ones or the issuing of new ones under the Land Drainage Act of 1861.

To prepare fiats for the signature of the Lord Chancellor relating to such commissions.

To prepare for the signature of Her Majesty the Queen, fiats to the judges to go the different circuits.

To prepare for the signature of the Lord Chancellor fiats for the issuing of commissions of oyer, terminer, and gaol delivery, and to forward the same when signed to the clerk of the Crown.

To perform the duties of private secretary, and to attend generally upon the Lord Chancellor in Court, at the House of Lords when sitting, and upon all state occasions.

I have the honour to be,
Sir,
Your most obedient Servant,
(Signed) HALLYBURTON CAMPBELL,
P. H. Pepys, Esq., Secretary of Commissions.
Principal Secretary to the Lord High Chancellor.

The answer to Questions 2, 3, and 4, are similar to those given by the Secretary of Presentations.

(Signed) P. H. P.

Clerk of the Dispensations and Faculties in Chancery.

II. 1 (*d*). RETURN of the CLERK of the DISPENSATIONS and FACULTIES in CHANCERY.

I. *The nature and extent of the duties performed by you in your office?*

To register all licences or dispensations granted to clergymen for the holding more benefices than one at the same time, and all dispensations granted to a Bishop elect authorizing him to hold a benefice or dignity in commendam with the bishoprick, and all faculties creating public notaries, and conferring degrees of merit in divinity, law, medicine, and music. To draw confirmations and dockets for degrees, and to procure the great seal thereto, and to receive the fees due thereon to Her Majesty and the Lord Chancellor, and to account for the same, and to make searches, and to supply from the registers of the office copies of faculties, dispensations, commendams, and degrees when required.

II. *The Statutes, warrants, orders, or other authority by which such duties are imposed or regulated?*

Under an Act of Parliament passed in the 25th year of the reign of His Majesty King Henry the VIII., entitled "An Act concerning Peter-Pence and dispensations."

III. *The changes, if any, in the nature and extent of the duties to be performed by you since your appointment to your office?*

Since about the year 1838 commendams and dispensations have ceased to be passed, the granting thereof having been restrained by the Statute.

1 & 2 Vict. c. 106, entitled "An Act to abridge the holding of benefices in plurality, &c."

IV. *The statutable or other authority under which your appointment was made, and the person in whom the right of appointment is vested?*

By Letters Patent granted by His late Majesty King George the III., bearing date the second day of July in the 47th year of His reign, to George Humphrys and Josiah Humphrys, and the survivor of them for life.

George Humphrys departed this life on the 18th January 1861.

By the 3 & 4 Will. IV. c. 84. s. 2. after the decease of the present clerk the duties of the office are to be performed by "the Secretary of Presentations for the time being."

(Signed) JOSIAH HUMPHRYS,
Clerk of the Dispensations and Faculties in Chancery.
December 1862.

Gentleman of the Chamber to the Lord Chancellor.

II. 1 (*e*). RETURN of the DUTIES, &c., performed by the GENTLEMAN of the CHAMBER in attendance upon the LORD CHANCELLOR.

I. *The nature and extent of the duties performed by you in your office?*

The first duty of the Gentleman of the Chamber is to attend the Lord Chancellor in Court, and on all occasions of his Lordship's official appearance in public.

The Gentleman of the Chamber is to give his attention to all such matters, relating to the public business, as the Lord Chancellor may refer to him for inquiry or examination.

He is also to verify all statements contained in the petitions presented to his Lordship, and further to perform such other special duties as the Lord Chancellor may be pleased to assign to him.

Gentleman of the Chamber to the Lord Chancellor.

II. *The Statutes, warrants, orders, or other authority by which such duties are imposed or regulated?*

The Lord Chancellor.

III. *The changes, if any, in the nature and extent of the duties to be performed by you since your appointment to your office?*

None.

IV. *The statutable or other authority under which your appointment was made, and the person in whom the right of appointment is vested?*

The Act 15 & 16 Vict. c. 87. The right of appointment is vested in the Lord Chancellor.

(Signed) C. B. CARDEN,
Gentleman in attendance on the Lord Chancellor.

Lincoln's Inn,
Dec. 3, 1862.

Deputy Serjeant-at-Arms to Lord Chancellor.

II. 1 (*f*). RETURN of the DEPUTY SERJEANT-AT-ARMS to the LORD CHANCELLOR.

I. *The nature and extent of the duties performed by you in your office?*

To attend the Lord Chancellor with the mace in the House of Lords during the sittings of Parliament. Also at the Court of Chancery during the sittings of the Court, and on state occasions. To execute orders in the country when ordered in the House of Lords. Also the process of the Court of Chancery when required.

II. *The Statutes, warrants, orders, or other authority by which such duties are imposed or regulated?*

Pursuant to orders of the House of Lords, and orders of Court in Chancery.

III. *The changes, if any, in the nature and extent of the duties to be performed by you since your appointment to your office?*

Duties decreased in House of Lords by Act 15 & 16 Vict. c. 57.

Duties decreased in Court of Chancery by orders of Court, 11th April 1841.

IV. *The statutable or other authority under which your appointment was made, and the person in whom the right of appointment is vested?*

By letter from Serjeant-at-Arms, with consent of the Lord Chancellor.

(Signed) GEORGE GOODBODY,
Deputy Serjeant-at-Arms.

Purse Bearer to the Lord Chancellor.

II. 1 (*g*). RETURN of the PURSE BEARER to the LORD CHANCELLOR.

I. *The nature and extent of the duties performed by you in your office?*

To attend the Lord Chancellor at Lincoln's Court, at the House of Lords during the session and on state occasions, to carry the Purse.

To seal all instruments brought to the Great Seal.

To forward all commissions for the Royal assent to Bills, also all appointments of the Lord Chancellor to the Queen which require Her Majesty's signature.

To receive memorials from solicitors seeking to be appointed country and London commissioners for taking affidavits in Chancery, and making out the fiats and appointments.

To receive papers from the Chancery offices requiring the Lord Chancellor's signature.

II. *The Statutes, warrants, orders, or other authority by which such duties are imposed or regulated?*

Ancient usage and orders of Court.

III. *The changes, if any, in the nature and extent of the duties to be performed by you since your appointment to your office?*

Additional duties of sealing, 15 & 16 Vict. c. 87., and appointments of London commissioners.

IV. *The statutable or other authority under which your appointment was made, and the person in whom the right of appointment is vested?*

The Lord Chancellor.

(Signed) WM. GOODBODY,
Purse Bearer.

II. 1 (*h*). RETURN of the TRAIN BEARER to the LORD CHANCELLOR.

Train Bearer to the Lord Chancellor.

I. *The nature and extent of the duties performed by you in your office?*

Train Bearer to the Lord Chancellor, and in constant attendance upon his Lordship.

II. *The Statutes, warrants, orders, or other authority by which such duties are imposed or regulated?*

I cannot tell.

III. *The changes, if any, in the nature and extent of the duties to be performed by you since your appointment to your office?*

None.

IV. *The statutable or other authority under which your appointment was made, and the person in whom the right of appointment is vested?*

The Lord Chancellor.

Messenger or Pursuivant to the Lord Chancellor.

II. 1 (*i*). RETURN of the MESSENGER or PURSUIVANT to the LORD CHANCELLOR.

I. *The nature and extent of the duties performed by you in your office?*

At every general election to obtain the writs for the election of Members to serve in Parliament, and duly deliver the same.

To convey Her Majesty's proclamation to Scotland for the election of the representative peers.

Upon the vacancy of any seat in the House of Commons to obtain from the clerk of the Crown the writ for a new election, and duly deliver the same.

Upon the death of any Irish or Scotch representative peer to convey the writ for a new election to Ireland or Scotland.

To obtain from the Crown Office writs of Supersedeas to Magistrates, and duly deliver the same.

To deliver Her Majesty's proclamations for fasts, &c.

On receipt of warrants from the Lord Chancellor to apprehend all persons committed for contempt, and bring them to the bar of the Court.

II. *The Statutes, warrants, orders, or other authority by which such duties are imposed or regulated?*

The Statute of 53 Geo. III. c. 89. regulates the delivery of the election writs.

The Lord Chancellor's warrant is the Pursuivant's authority for arresting parties in contempt.

III. *The changes, if any, in the nature and extent of the duties to be performed by you since your appointment to your office?*

In the year 1852 a Bill was introduced by the late Duke of Richmond, and passed in the House of Lords, for abolishing the office of Messenger or Pursuivant to the Great Seal, and in consequence of such Bill a return was made of the duties and emoluments of his office, upon which a compensation of 200*l.* was granted to the Pursuivant in lieu of the fees received by him from the Peers, and for loss of office as regarded the duties performed by him at the House of Lords. Such Bill did not pass the House of Commons.

The Suitors' Fee Fund Act directs the Messenger or Pursuivant to pay fees received by him under warrants in Chancery into the Bank of England, to the credit of said fund.

IV. *The statutable or other authority under which your appointment was made, and the person in whom the right of appointment is vested?*

The present Pursuivant received his appointment from the late Duke of Devonshire when Lord Chamberlain, and the right of appointment to such office is vested in the Lord Chamberlain.

(Signed) GEO. SPENCER RIDGWAY,
Messenger to the Great Seal.

Clerk in the Office of the Lord Chancellor's Principal Secretary.

II. 1 (*k*). RETURN of the CLERK in the LORD CHANCELLOR'S PRINCIPAL SECRETARY'S OFFICE.

I. *The nature and extent of the duties performed by you in your office?*

All petitions that are addressed to the Lord Chancellor "in Chancery" are received and examined by me, to see that they accord with the forms prescribed in certain Acts of Parliament under which they are presented, the regulations of Lord Lyndhurst, and the orders of Court.

From the diverse mode in which petitions are continually drawn under Acts of Parliament relating to public works and other statutory jurisdiction, I need to read them entirely through to discover the correctness of their titles, and frequently require them to be remodelled before affixing the Lord Chancellor's fiat, that they may accord with the above requisitions, and with those principles which under the laws affecting real estate they should do, for recording them as evidences of title to property for future purposes. I then write the fiats upon them according to the circumstances of their several prayers, and the days upon which they are to be made returnable, and also enter them in a minute book which contains an abstract of their prayer, and afterwards make lists of such petitions for the several Courts on petition days.

I receive all appeals from decrees in causes and general matters for hearing before the Lord Chancellor and Appeal Court, and after reading them through to determine their correctness, affix such fiat for setting them down, and giving notice to the respondents, as is consistent with their class or mode of appeal.

In addition to the "attendable" petitions, I receive various non-attendable or matter-of-course petitions; these are likewise read and examined by me, to see that they have the necessary consents attached to them, and that their prayers do not ask for more than, according to the practice of the Court, as matter-of-course petitions they are entitled to, the orders on them being drawn up on the Lord Chancellor's fiat alone.

On orders being made by the Court to amend "attendable" petitions, I need to read the petitions before authenticating the detailed amendments, to determine the necessary alterations, and check extended introductions in excess of the Court's order, as the final orders on such petitions so amended are then drawn up by the Registrar.

Petitions to the Lord Chancellor, as visitor on behalf of the Crown, I receive and draw up, and record the orders made thereon, and file the affidavits used in the proceedings, and also prepare the office copies.

Letters missive to peers are prepared by me. Warrants to the serjeant-at-arms, or messenger attending the Court and the tipstaff, I issue; also the Lord Chancellor's mandate and warrant to summon the pix jury to assay the currency of the realm.

The evidences of pedigree, for the purpose of issuing the writ for a peer to take his seat, and various official documents and correspondence, I index and record.

I also give assistance to the Principal Secretary, when required, in the various duties attached to his office, for the Lord Chancellor's purposes.

II. *The Statutes, warrants, orders, or other authority by which such duties are imposed or regulated?*

There are no Statutes prescribing the duties of office, but they result from formulæ required by various Acts of Parliament, under which the equitable jurisdiction of the Court is extended to proceedings by petition. The general orders of Court as to its practice and the Regulations of Lord Lyndhurst.

LORD LYNDHURST'S DIRECTIONS as to the TITLES of PETITIONS.

"IN all cases where a petition is presented, under the authority of an Act of Parliament, to the Lord Chancellor, it must be entitled in the matter of that Act, and in a substantial matter also; and if it be a railway or other local Act, and under its powers a portion of the estate of any testator or intestate has been taken, the petition must be entitled in the matter of the estate of such testator or intestate; or if property settled by any deed of settlement, then in the matter of such settlement; or if land belonging to a rector, vicar, or corporate body, then *ex parte* such rector, &c., as the case may be, and in the matter of the said Act. In the case of legacies paid into Court under the Act 36 Geo. III. c. 52., and sought to be paid out, petitions may be entitled in the way the fund stands in the Accountant-General's books. Petitions under private Acts of Parliament may be intituled in the Act alone.

"Example 1.—In the matter of the estate of George Woolley, deceased, and
In the matter of the South Devon Railway Act, 1844.

" 2.—In the matter of the settled estate of A. B., deceased [and in the particular Act].

" 3.—In the matter of the settlement of John Jarvis and wife [and in the particular Act].

" 4.—*Ex parte* the Rector of Woolwich, [and in the particular Act].

"Example 5.—In the matter of Jane Greaves, an infant legatee, and
In the matter of the Act 36 Geo. III. c. 52., intituled, &c.

" 6.—In the matter of an Act for empowering the trustees of the estate of A. B., deceased, to grant leases, and for other purposes."

III. *The changes, if any, in the nature and extent of the duties to be performed by you since your appointment to your office?*

The duties are extended nearly every year by proceedings resulting from continual legislation, as by the Trustee Acts 1850 and 1852, Settled Estates Acts, &c., giving power to obtain orders of Court by petition, as also by Acts obtained by railway and other companies, where the Court has power by that process to deal with purchase monies for land taken.

The whole business of the office gradually increases every year, and my duties likewise.

IV. *The statutable or other authority under which your appointment was made, and the person in whom the right of appointment is vested?*

I was first appointed by the Principal Secretary of the Lord Chancellor in February 1842, and have continuously held the office till this time, but, upon the Suitors' Relief Act passing in 1852, the fees of office from which I was paid were abolished, and it was necessary to re-appoint me under that Act to obtain payment of my salary out of the Suitors' Fund, and the appointment was then made by the Lord Chancellor, in whom it is vested.

(Signed) FRED. LOTT.

II. 1 (*l*). RETURN of the JUNIOR CLERK in the LORD CHANCELLOR'S PRINCIPAL SECRETARY'S OFFICE.

Junior Clerk in the Office of the Lord Chancellor's Principal Secretary.

I. *The nature and extent of the duties performed by you in your office?*

Assisting in the duties as set forth in the return of the Senior Clerk as to this question.

II. *The Statutes, warrants, orders, or other authority by which such duties are imposed or regulated?*

I beg leave to refer further to his said return, as to this question.

III. *The changes, if any, in the nature and extent of the duties to be performed by you since your appointment to your office?*

My duties have increased correspondingly with those as set forth in the return of the said Senior Clerk, since my appointment in June 1855.

IV. *The statutable or other authority under which your appointment was made, and the person in whom the right of appointment is vested?*

The Lord Chancellor under 3 & 4 Vict. c. 94. s. 3.

(Signed) HENRY ROBERT WHITE.

II. 1 (*m*). RETURN of the USHER in the HALL in the LORD CHANCELLOR'S COURT.

Usher of the Hall in Lord Chancellor's Court.

I. *The nature and extent of the duties performed by you in your office?*

1st. My duty is to attend all day when the Lord Chancellor is sitting.

2ndly. To lay the Lord Chancellor's Court, private rooms, and gentlemen's rooms, also those of the Lords Justices' Court, private rooms, and gentlemen's rooms, and that of the Vice-Chancellor Kindersley's private rooms, and gentlemen's rooms, with stationery.

3rdly. After the rising of the Courts, to clear them and such rooms of books, papers, &c., and put them in their proper places, to wash and refit inkstands (12 dozen in number), and replace clean towels, soap, &c. in the before-mentioned Courts and rooms, also to light the Courts with candles when necessary, and keep clean the candlesticks requisite for that purpose.

4thly. When the said Courts are not sitting, to attend and see that the same and the rooms thereto are thoroughly aired, cleaned, and kept in proper order and readiness.

5thly. To write out all orders for pens, paper, ink, wax, towels, soap, and wax candles necessary for such Courts and rooms, also to write orders for soap, candles, brushes, dusters, &c., &c. for the several Court cleaners, and also to

the stoker, and to write orders for coals, coke, and wood for the Courts of the Lord Chancellor, Lords Justices, and Vice-Chancellors.

6thly. To keep an account of all orders given by me, compare them with those sent in by the various tradesmen, and pass the same before the solicitor to the suitors' fund, and to make an affidavit of the truthfulness of such accounts before the several tradesmen are paid.

II. *The Statutes, warrants, orders, or other authority by which such duties are imposed or regulated?*

By the Statute creating the Court.

III. *The changes, if any, in the nature and extent of the duties to be performed by you since your appointment to your office?*

When I was first appointed to the office of Usher of the Hall, the several Courts of Equity sat during term time at Westminster, and I had only to perform the duties I have enumerated in respect to the Lord Chancellor and Vice-Chancellor's Courts during the sittings after term, and not during term time as now. I have also, since the Court of the Lords Justices was created, had to perform the duties respecting it which I have stated, but have not received any increase of salary for such extra duties.

IV. *The statutable or other authority under which your appointment was made, and the person in whom the right of appointment is vested?*

By the Statute creating the Court. The appointment is vested in the Lord Chancellor.

(Signed) Thomas Webster.

Usher of the Hall in Lord Chancellor's Court.

Usher to the Two New Vice-Chancellor's Courts.

II. 1 (*n*). Return of the Usher to the Two New Vice-Chancellor's Courts.

I. *The nature and extent of the duties performed by you in your office?*

My duties are, generally, the superintendence of the Courts of Vice-Chancellor Stuart and Wood, personally attending them during their sittings daily, preparing their rooms and the Courts with stationery, &c., and seeing that the laundress properly cleanse and keep them in order. I give orders for the whole of the stationery, books, &c. required for the use of the Courts, receive the same, and compare it with my Order Book, with which book I attend annually before the solicitor to the suitors' fund, and upon affidavit pass the accounts of stationers and all the other tradesmen, excepting the builders and upholsterers. I cause all petty defects and damage to be repaired by the different tradesmen to the Court, and report any material defect or damage to the Surveyor of the Court. I keep a register of all legal works, papers, &c. left in the Court, and return them, after being satisfied with the right of the claimant. I have also to see that the Ushers keep proper order in each Court and attend to their duties.

II. *The Statutes, warrants, orders, or other authority by which such duties are imposed or regulated?*

15 & 16 Vict.

III. *The changes, if any, in the nature and extent of the duties to be performed by you since your appointment to your office?*

Duties increased consequent upon passing of 21 & 22 Vict. c. 27. "Chancery Amended Act."

IV. *The statutable or other authority under which your appointment was made, and the person in whom the right of appointment is vested?*

15 & 16 Vict. The Lord Chancellor.

(Signed) H. White.

Tipstaff to the Court of Chancery.

II. 1 (*o*). Return of the Tipstaff to the Court of Chancery.

I. *The nature and extent of the duties performed by you in your office?*

To attend the Lord Chancellor's Court when sitting, to execute all warrants of commitments, and to take charge of all prisoners brought up to the Court by Habeas Corpus, &c. to be committed to prison.

II. *The Statutes, warrants, orders, or other authority by which such duties are imposed or regulated?*

By ancient order of Court of Lord Hardwicke's.

III. *The changes, if any, in the nature and extent of the duties to be performed by you since your appointment to your office?*

The duties have been somewhat reduced by orders of Court and Acts of Parliament.

IV. *The statutable or other authority under which your appointment was made, and the person in whom the right of appointment is vested?*

Appointed by the late warden of the Fleet prison. The appointment is now vested in the Lord Chancellor since the abolition of the Fleet prison.

Tipstaff to the Court of Chancery.

Court Keeper to Court of Chancery at Westminster.

II. 1 (*p*). Return of the Court Keeper to the Court of Chancery at Westminster.

I. *The nature and extent of the duties performed by you in your office?*

The Court Keeper's duties are to prepare the Courts and air the apartments thereto belonging, previously to and during every term. To attend the Lord Chancellor's Court daily during the sittings at Westminster, and to superintend the cleaning of the Courts, &c. The Court Keeper has charge of all stores required for the use of the Court, and the distribution of these to the several Chancery Courts, rooms, and officers thereof.

II. *The Statutes, warrants, orders, or other authority by which such duties are imposed or regulated?*

I do not recollect, but I think I got this information from a blue book of fees and duties of officers of the Court of Chancery, *temp.* Lord Hardwicke.

III. *The changes, if any, in the nature and extent of the duties to be performed by you since your appointment to your office?*

A great change took place when the Chancery sittings were removed to Lincoln's Inn. Then the Court Keeper had little else than the charge of the premises, though the Courts were used occasionally, and sometimes by the Common Law Judges for sittings at Nisi Prius, but for the last five years the Court Keeper has been acting gratuitously for Sir Cresswell Cresswell, the Judge of Probate and Divorce, to whom the Lord Chancellor's Court was lent by Lord Cranworth.

IV. *The statutable or other authority under which your appointment was made, and the person in whom the right of appointment is vested?*

I was appointed to the office of Court Keeper of the High Court of Chancery by Richard Critchett, Esq., (usher of the High Court of Chancery and patentee of this and several other places,) in February 1822, at the cost of 1,660*l*.

A copy of the appointment I enclose herewith.

(Signed) J. Nicholls,
Lord Chancellor's Court, Westminster.

Stamp Six Pounds

(Copy.)

Know all men by these presents, that I, Richard Critchett, Esq., usher of Her Majesty's High Court of Chancery, have instituted, appointed, and confirmed, and by these presents do institute, appoint, and confirm, John Nicholls of Chad's Row, Gray's Inn Lane, in the parish of St. Pancras, in the county of Middlesex, gentleman, to be in the place or office of Court Keeper of Her Majesty's High Court of Chancery, to hold and enjoy the same with all rights, perquisites, profits, and appurtenances, whatsoever, thereunto belonging, to the said John Nicholls for his life to all intents and purposes whatsoever, in as full and ample manner as the same have been held and enjoyed by any or either of his predecessors Court Keepers of the said Court. In witness whereof I have hereunto set my hand and seal the fifth day of February, in the third year of the reign of our sovereign Lord George the Fourth, by the grace of God of the United Kingdom of Great Britain and Ireland, king defender of the faith, and in the year of our Lord 1822.

(Signed) Richard Critchett.

Sealed and delivered, being first
duty stamped, in the presence of
Rowland Wimburn, Chancery Lane.
George Laurie, his clerk.

Court of Chancery in England.

Returns as to Duties and Appointment of Officers.

Persons appointed to keep order in the Courts, and Stoker to the Courts at Lincoln's Inn.

II. 1 (*q*). Returns as to their Duties and Appointments made by the Ten Persons appointed to keep Order in the Courts of the Lord Chancellor, Lords Justices, and Vice-Chancellors, and of the Stoker to the Courts of Lincoln's Inn.

Name of Officer and Court in which he is employed.	The Nature and Extent of the Duties performed by each Officer in his Office.	The Statutes, Warrants, Orders, or other Authority by which such Duties are imposed or regulated.	The Changes, if any, in the Nature and Extent of the Duties to be performed by him, since his Appointment to the Office.	The statutable or other Authority under which such Appointment was made, and the Person in whom the Right of Appointment is vested.
G. Lovett, Lord Chancellor's Court.	Usher in the Lord Chancellor's Court.—Keeping order in Court.	Cannot tell	None	The appointment vested in the Lord Chancellor.
A. Patten, Lord Chancellor's Court.	Ditto	Ditto	Ditto	Ditto,
F. S. Mittonette, Lord Chancellor's Court.	Ditto	Ditto	Ditto	Ditto.
J. Wildsmith, Lords Justices' Court.	As train bearer, attending the Lord Justice Knight Bruce daily in Court. As Usher to the Lords Justices, keeping order and taking charge of books and papers left in Court.	The Lords Justices' Act.	None	The Lords Justices' Act. Appointment of Usher vested in Lord Chancellor, and appointment of Train-bearer vested in each of the Lords Justices.
J. Leadbetter, Lords Justices' Court.	As train bearer, attending the Lord Justice Turner daily in Court, &c. As Usher to the Lords Justices' Court, keeping order and taking charge of books and papers left in Court.	Ditto	Ditto	Ditto.
Wm. Friend, Vice-Chancellor Kindersley's Court.	Court Keeper	- - -	None	Lord High Chancellor.
Charles Sims, Vice-Chancellor Stuart's Court.	To keep order in, and messenger to the Court.	Statute 5 Vict. c. 5, and an Order of the Court, dated 26. Jan. 1860.	None	Same as No. 2. The right of appointment is vested in the Lord Chancellor.
Edw. Hughes, Vice-Chancellor Stuart's Court.	Keeping silence during the sitting of the Court, and messenger.	By 50 Geo. 3. c. 147; 5 Vict. c. 5.	Not any	50 Geo. 3. c. 147; 5 Vict. c. 5. The Lord Chancellor.
T. Morrish, Vice-Chancellor Wood's Court.	To keep order in Court, and messenger to the Vice-Chancellor.	50 Geo. 3. c. 147; 5 Vict. c. 5.	None	50 Geo. 3. c. 147; 5 Vict. c. 5. Lord Chancellor.
Chas. Robinson, Vice-Chancellor Wood's Court.	To keep order in the Court of His Honour Vice-Chancellor Wood.	5 Vict. sess. 1. c. 5.	None	5 Vict. sess. 1. c. 5. The Lord High Chancellor.
Henry Davey	Attending to the furnaces for heating the five Courts and to the fires in the private rooms.	- - -	Assisting the messenger when not occupied with the fires.	The Lord Chancellor.

Petty Bag Office.

II. 2. Return as to Duties and Appointment by the Clerk of the Petty Bag Office.

Sir, Petty Bag Office.

In compliance with your letter of 11th November last, I beg to make the following return as to the nature and extent of the duties performed in this Office as follows:—

I. *The nature and extent of the duties performed by myself and each Officer under me in the Petty Bag Office.*

A general superintendence of the business transactions in the office, answering inquiries of solicitors as to points of practice, ascertaining the general correctness of the various documents brought to the office to be filed or issued, and filing them.

The only clerk or assistant to me in the office is Mr. Henry William Holden, who is engaged in continuing the indices to the records filed in the office, in making office copies and certificates, entering, filing, enrolling, and searching for the records, and attending to the general business of the office. The whole of his time is employed in the above duties.

Court of Chancery in England.

Returns as to Duties and Appointment of Officers.

Petty Bag Office.

II. *The Statutes, Warrants, Orders, or other authority by which such duties are imposed or regulated.*

The office is regulated by Statutes 11 & 12 Vict. c. 94., and subsequently by 12 & 13 Vict. c. 109., and the Orders of the Lord Chancellor and Master of the Rolls consequent thereon.

III. *The changes, if any, in the nature or extent of the duties to be performed by each Officer since his appointment.*

There have been no changes in the nature or extent of the duties since the passing of the last-mentioned Statute.

IV. *The statutable or other authority under which each appointment in the Office was made, and the person in whom the right of appointment is vested.*

The appointment of the present clerk of the Petty Bag was by the above-mentioned Statute. The appointment of the future clerk is vested in the Master of the Rolls, and the appointment of the assistant was made by an Order of the Master of the Rolls authorizing the appointment by the clerk of the Petty Bag.

Dated this 23d day of January 1863.

(Signed) F. G. Abbott.

To H. R. Vaughan Johnson, Esq.

The Rolls.

II. 3. Returns made by the several Officers of the Master of the Rolls in England to Questions relative to their Duties and Appointment.

Rolls House, Chancery Lane,
19th December 1862.

Dear Sir,

I enclose for the information of the Commissioners for inquiry into the Superior Courts of Common Law and the Courts of Chancery in England and Ireland, the answers of the several Officers of the Master of the Rolls to the questions contained in the circulars forwarded to me by your letter of the 20th Nov. 1862.

And am,
Dear Sir,
Yours faithfully,
(Signed) W. Geo. Brett,
Principal Secretary.

H. R. Vaughan Johnson, Esq.
Secretary to the Commissioners,
6, Adelphi Terrace.

Principal Secretary of the Master of the Rolls.

II. 3 (*a*). Return of the Principal Secretary of the Master of the Rolls.

I. *The nature and extent of the duties performed by you in your office?*

The duties of the Principal Secretary to the Master of the Rolls are:—to attend the Master of the Rolls on all state and public ceremonies and occasions; to be also in attendance during the sittings of the Master of the Rolls' Court, and on all other occasions when required by the Master of the Rolls; to conduct the official correspondence as public secretary, and to act as private secretary; to peruse, ascertain the correctness in form, and make a précis in writing, of every petition presented for hearing before the Master of the Rolls for his private use; last year 736 in number; and to attend to any other Court business the Master of the Rolls may direct; to receive and forward instructions respecting the officers or business of the office of the Master of the Rolls, and when requisite, to carry on the duties of the secretary's office, for which the Principal Secretary and the Secretary for causes have co-ordinate authority.

II. *The Statutes, Warrants, Orders, or other Authority by which such duties are imposed or regulated?*

Ancient usage; and the general orders of the Court of Chancery. See Sanders' General Orders.

III. *The changes, if any, in the nature and extent of the duties to be performed by you since your appointment to your office?*

None; except that fees are now paid by stamps and not in coin.

IV. *The statutable or other authority under which your appointment was made, and the person in whom the right of appointment is vested?*

Ancient usage. By the Master of the Rolls.

(Signed) W. GEO. BRETT,
Principal Secretary.

II. 3 (*b*). RETURN of the SECRETARY of CAUSES and DECREES, &c., and UNDER-SECRETARY at the ROLLS.

I. *The nature and extent of the duties performed by you in your office?*

My duties are to do the whole of the business of the Secretary's office at the Rolls.

To take in all petitions presented for orders of course, to enter them in the day-book, and see that the proper stamp is affixed. To peruse every such petition for the purpose of seeing that the order prayed for is warranted by the statements in the petition, and the practice of the Court. Many of these petitions are accompanied by affidavits in support of the facts therein stated; to draw the orders on these petitions, the number of which in the year ending November 1862, was 3,443. Many petitions are presented on which the orders prayed cannot be granted, which are returned, and of these no list is kept.

To cause all the orders of course to be entered in books kept for that purpose and to be indexed, and the petitions to be filed; to make office copies of the orders and to examine them with the orders.

To receive all petitions for hearing, to enter them in the day-book and see that they are in proper form and with the proper stamp affixed; to write and sign the orders for attendance on these petitions; to certify by initials amendments made in any of these petitions by order of the Court, and to be satisfied that these amendments are made in accordance with the order of the Court from the notes on the briefs of Counsel; to examine the certificates of aliens under the 7th and 8th Vict. c. 66., and see that the provisions of the Act have been complied with; to write the fiat for enrolment upon them, and get them signed by the Master of the Rolls; to enter them in the day-books (no fees are now payable in respect of this duty); to write the fiats for the inrolment of deeds and other documents for safe custody, and get them signed by the Master of the Rolls; to enter them in the day-book (no fees are now payable in respect of this duty).

To vacate receiver's recognizances.

To read every order directing the vacating of a receiver's recognizances and to be satisfied by reading the Chief Clerk's certificate and the certificate of the Accountant General, or an affidavit of payment that the receiver has passed his final account and paid his balance into Court or to the proper person directed by the order (no fee payable); to certify by affixing the official seal that the roll may be brought to the Master of the Rolls for his Honour to vacate the recognizance.

Caveats against inrolling decrees, &c. To enter caveats against enrolling decrees in a book kept for that purpose. To give notice in writing to any party having entered a caveat of the docquet of the decree having been presented for inrolment. Where no appeal or re-hearing is lodged, to get the docquet signed by the Master of the Rolls (no fees payable).

Admission of solicitors. To examine the credentials of all parties applying to be admitted as solicitors, and to prepare a list for the Clerk of the Petty Bag; to examine the admissions when made out by him and get them signed by the Master of the Rolls; to attend the Master of the Rolls every morning at the sitting of the Court, and generally to attend to such matters connected with the Court and office as the Master of the Rolls may direct, and to perform the duties of the Chief Secretary during his absence.

II. *The Statutes, Warrants, Orders, or other Authority by which such duties are imposed or regulated?*

Orders of course are drawn and entered at the secretary's office at the Rolls under the 29th order of the 21st December 1833, made in pursuance of an Act of the 3rd and 4th William 4th, intituled "An Act for the regulation of the "proceedings and practice of certain offices of the High "Court of Chancery in England."

The fees now payable are payable under the orders of the 30th January 1857.

III. *The changes, if any, in the nature and extent of the duties to be performed by you since your appointment to your office?*

New orders of course have been made under recent Acts of Parliament and orders are now made in pursuance thereof, (such as the summoning of juries, &c.); and many orders of course have fallen into disuse by reason of the changes in the practice of the Court (such as all the orders relating to the Master's office, &c.).

IV. *The statutable or other authority under which your appointment was made, and the person in whom the right of appointment is vested?*

Usage. See note in Sanders' collection of the orders in Chancery, p. 611, and under the 15th and 16th Vict. intituled "An Act for the relief of suitors in the High Court of "Chancery."

The right of appointment is vested in the Master of the Rolls.

(Signed) A. Cox,
Secretary of Decrees, &c.

II. 3 (*c*). RETURN of the GENTLEMAN of the CHAMBER at the ROLLS.

Gentleman of the Chamber at the Rolls.

I. *The nature and extent of the duties performed by you in your office?*

My duty as Gentleman of the Chamber to the Master of the Rolls is to attend Court daily from its sitting till its rising; to hand up to his Honour copies of all the causes and petitions as they are called on by the Registrar of the day attending his Honour's Court; my duty also is to make fair copies of such of his Honour's judgments as are of great length in books kept for that special purpose, also to transcribe fair most of his Honour's correspondence with the Lords of Her Majesty's Treasury, which, since the consolidation of the State Paper Office with the Record Office, is become very considerable; to attend to the classification of his Honour's legal library, and in all other respects to act in the capacity of amanuensis to his Honour when required to do so.

II. *The Statutes, Warrants, Orders, or other Authority by which such duties are imposed or regulated?*

Usage.

III. *The changes, if any, in the nature and extent of the duties to be performed by you since your appointment to your office?*

None.

IV. *The statutable or other authority under which your appointment was made, and the person in whom the right of appointment is vested?*

Usage. I was appointed to this office by the present Master of the Rolls in the month of March 1851, in whom is vested the right of appointment.

(Signed) JOHN JAMES KNIGHT.

II. 3 (*d*). RETURN of the SECOND GENTLEMAN of the CHAMBER and TRAIN BEARER to the MASTER of the ROLLS.

Second Gentleman of the Chamber and Train Bearer at the Rolls.

I. *The nature and extent of the duties performed by you in your office?*

My duty is to attend the Master of the Rolls every day when he sits in Court, and to see that he is supplied with the necessary papers in the cases that are coming on to be heard before him.

To receive and take care of all papers left in Court for the Master of the Rolls, as also all those in cases which are ordered to stand over.

To make a list of all causes, &c., standing for judgment, to keep a list of such as are undisposed of, and to apprize the parties and the Registrar when judgment is about to be given.

To sort and put away all papers that are done with, taking care of the originals so that the solicitors may have them again.

To enter and make out lists of all petitions in the order in which they are presented for hearing in Court, and to supply the Registrar with a correct list for every petition day. To take a note of those that are disposed of when called on, as also all those which stand over, and to see that they come into the paper again at the time appointed, and in the meantime to preserve the petitions. To take care of all the notes made by the Chief Secretary prior to the hearing of petitions in Court, and put them away in proper order in case they are wanted again at a future time.

It is also my duty to attend the Master of the Rolls as his train bearer when he appears in his public capacity.

II. *The Statutes, Warrants, Orders, or other Authority by which such duties are imposed or regulated?*

Usage, and the 15 & 16 Vict.

III. *The changes, if any, in the nature and extent of the duties to be performed by you since your appointment to your office?*

None.

IV. *The statutable or other authority under which your appointment was made, and the person in whom the right of appointment is vested?*

Appointed by the Master of the Rolls.

(Signed) GEORGE FRY.

Clerk in the Secretary's Office, Rolls.

II. 3 (*e*). RETURN of the CLERK in SECRETARY'S OFFICE, ROLLS.

I. *The nature and extent of the duties performed by you in your office?*

Enter all the orders of course, and make and examine all office copies of such orders, and attend to the usual office duties.

II. *The Statutes, Warrants, Orders, or other Authority by which such duties are imposed or regulated?*

By the direction of the Secretary.

III. *The changes, if any, in the nature and extent of the duties to be performed by you since your appointment to your office?*

None.

IV. *The statutable or other authority under which your appointment was made, and the person in whom the right of appointment is vested?*

15 & 16 Vict. c. 87. s. 52. The Master of the Rolls.

(Signed) GEORGE ATKINSON.

Junior Clerk in the Secretary's Office, Rolls Court.

II. 3 (*f*). RETURN of the JUNIOR CLERK in the SECRETARY'S OFFICE, ROLLS COURT.

I. *The nature and extent of the duties performed by you in your office?*

Assist the senior clerk in his duties.

II. *The Statutes, Warrants, Orders, or other Authority by which such duties are imposed or regulated?*

Order of the Master of the Rolls and his Secretary.

III. *The changes, if any, in the nature and extent of the duties to be performed by you since your appointment to your office?*

None.

IV. *The statutable or other authority under which your appointment was made, and the person in whom the right of appointment is vested?*

15 & 16 Vict. c. 87. The Master of the Rolls.

(Signed) CHARLES PAGE.

Porter at the Rolls.

II. 3 (*g*). RETURN of the PORTER at the ROLLS.

I. *The nature and extent of the duties performed by you in your office?*

My duty as porter at the Rolls is to attend the Master of the Rolls at all times. To carry his Honour's papers to and from his house, and to deliver notices of judgment to the solicitors employed in the various causes heard by him, and any other papers and letters which are required, and to help to keep order in Court during the sitting.

II. *The Statutes, Warrants, Orders, or other Authority by which such duties are imposed or regulated?*

Usage.

III. *The changes, if any, in the nature and extent of the duties to be performed by you since your appointment to your office?*

None.

IV. *The statutable or other authority under which your appointment was made, and the person in whom the right of appointment is vested?*

Usage. By the Master of the Rolls.

(Signed) WILLIAM HAYES.

II. 3 (*h*). RETURN of the USHER of the HALL, ROLLS COURT.

I. *The nature and extent of the duties performed by you in your office?*

My duty as usher of the Hall at the Rolls is to attend the Master of the Rolls whilst sitting in his Court, for the purpose of keeping order, and attend to such things as may arise or require to be done by the Queen's and Junior Counsel, solicitors, suitors, &c. I have the charge of the stationery, &c., and have to dress or prepare the Court in that respect for each sitting.

II. *The Statutes, Warrants, Orders, or other Authority by which such duties are imposed or regulated?*

General orders of the Court of Chancery.

III. *The changes, if any, in the nature and extent of the duties to be performed by you since your appointment to your office?*

None.

IV. *The statutable or other authority under which your appointment was made, and the person in whom the right of appointment is vested?*

Usage. By the Master of the Rolls.

(Signed) EDWIN RUSSELL.

II. 3 (*i*). RETURN of the TIPSTAFF to the MASTER of the ROLLS.

Tipstaff to the Master of the Rolls.

I. *The nature and extent of the duties performed by you in your office?*

To attend the Master of the Rolls when he is sitting at Westminster; to take into custody any person or persons committed by him, and to attend him on all public occasions.

II. *The Statutes, Warrants, Orders, or other Authority by which such duties are imposed or regulated?*

By my appointment to the office of Tipstaff, and any order of the Master of the Rolls.

III. *The changes, if any, in the nature and extent of the duties to be performed by you since your appointment to your office?*

None.

IV. *The statutable or other authority under which your appointment was made, and the person in whom the right of appointment is vested?*

Appointed January 1, 1833, by the Warden of the Fleet Prison.

The office of Warden being abolished, all future appointments are vested in the Master of the Rolls.

(Signed) N. HAMER, Tipstaff.

II. 4. THE RETURN of the CHIEF CLERKS of the Master of the Rolls, and Vice-Chancellors Sir Richard Torin Kindersley, Sir John Stuart, and Sir William Page Wood, to the Requisitions of Her Majesty's Commissioners for inquiring into the Superior Courts of Common Law and the Courts of Chancery in England and Ireland, contained in a letter from H. R. Vaughan Johnson, Esquire, the Secretary to the Commissioners, dated the 12th day of November 1862.

Chief Clerks of the Master of the Rolls, and the Vice-Chancellors.

The Master of the Rolls and each of the Vice-Chancellors has attached to his Court two chief clerks, and two junior clerks to each chief clerk, and also two assistant clerks; and the Master of the Rolls has also attached to his Court Mr. Buckley, as an additional clerk to assist the chief clerks, and one assistant clerk to such additional clerk, as herein-after more particularly mentioned in answer to the 4th requisition.

Requisition I.—The nature and extent of the duties performed by the chief clerks and each officer under them.

As to the Chief Clerks.

1st.—With reference to interlocutory applications.

To hear and dispose of the following applications (that is to say):—

1. For time to plead, answer, or demur.
2. For enlarging time for filing voluntary answers

3. For leave to file interrogatories.
4. For leave to withdraw replication and amend bills and interrogatories; and for enlarging the time for amending bills and interrogatories under orders to amend.
5. For plaintiff to give security for costs.
6. For time to file affidavits in answer, or in reply, on motions for decrees.
7. For payment into Court of moneys admitted by defendants' answers.
8. For production and inspection of documents admitted by defendants' answers.
9. For production by plaintiffs or defendants of documents upon oath, under 15 & 16 Vict. c. 86. ss. 18, 20.
10. To consider the sufficiency of affidavits as to production of documents.
11. For leave to serve bill and interrogatories out of the jurisdiction of the Court.
12. For the appointment of special examiners.
13. For the appointment of commissioners to take the examination of married women.
14. For enlarging time for closing evidence.
15. For the oral examination and cross-examination of witnesses, under rule 11 of the General Order of 5th February 1861.
16. For enlarging the time prescribed for taking other proceedings in causes or matters.

2nd.—With reference to applications originating in Chambers, and matters adjourned from Court into Chambers, before decree or order made.

1. To hear and dispose of applications for orders to administer the personal and real estate of deceased persons, under 15 & 16 Vict. c. 86. ss. 45 and 47.
2. To examine the evidence in support of applications for guardianship and maintenance of infants and persons of unsound mind, not found so by inquisition, and to attend the Judge thereon.
3. Similar duties on applications for sanction of the Judge to the marriage of wards of Court.
4. Similar duties on applications for placing infants out in trades or professions, and for leave for infants to quit the jurisdiction of the Court.
5. To approve settlements on marriages of wards, in accordance with proposals approved by the Judge; and to approve indentures of apprenticeship of wards, and to certify the approval of such settlements and indentures.
6. To examine the statements in petitions and the evidence adduced in support thereof, when adjourned by the Judge into Chambers for that purpose, and to report the result thereof.

3rd.—With reference to proceedings in Chambers under decrees and orders.

First. As to taking accounts and making inquiries under decrees and orders.

1. To determine what parties are entitled to attend on the several accounts and inquiries directed by decrees or orders, and who shall have the conduct of the proceedings.
2. To direct what persons, not being parties to the suit, are to be served with notice of decrees or orders, and in what cases service of such notice may be dispensed with.
3. To hear and dispose of applications for service of notice of decrees or orders upon infants, or persons of unsound mind.
4. To hear and dispose of applications for substituted service of decrees or orders, where the proceedings are pending in chambers.
5. To issue advertisements for creditors, incumbrancers, heirs at law, next of kin, and other classes of persons as to whom inquiries are directed by decrees or orders.
6. To approve and appoint persons to be receivers under orders directing such appointment, to fix the amount of security to be given by them, to ascertain the sufficiency of the proposed sureties, and to fix the times for bringing in the receivers' accounts, and for paying their balances into Court.
7. To settle and sign receivers' recognizances.
8. To approve and appoint persons as trustees under orders directing trustees to be appointed, and to approve the necessary deeds of conveyance and transfer.
9. To give directions as to the bringing in of accounts by executors, administrators, or other accounting parties, or as between partners, and to adjudicate upon all disputed or doubtful items of such accounts.
10. To investigate pedigrees under inquiries as to heirs at law, next of kin, or other classes of persons.
11. To adjudicate upon claims by creditors; also upon claims by incumbrancers, and, when required, to take the account of their claims, and settle their priorities.
12. To hear the several parties and their solicitors on the various accounts, inquiries, and directions contained in all decrees and orders brought into chambers, and consider the evidence in support thereof.
13. To hear and dispose of applications for payment into Court of balances appearing on accounts brought in by executors and other accounting parties.
14. To revise and settle the certificates of result of proceedings under decrees or orders.

Second. As to sales of estates by decrees or orders directed to be sold.

1. To refer to the conveyancing counsel the abstracts of title to the estates directed to be sold.
2. To appoint auctioneers to conduct sales, and fix their remuneration, and the mode, time, and place of sale.
3. To settle the particulars and conditions of sale.
4. To approve and sign the advertisements of sales.
5. To fix the amount of the reserved biddings.
6. To hear and dispose of applications for leave to parties to bid at sales, and as to the parties to have the conduct of sales.
7. To revise and settle certificates of the result of sales.
8. To approve of conditional contracts for sales by private contract.
9. To hear and dispose of applications to substitute purchasers.
10. To open the biddings.
11. For payment in and investment of purchase moneys and deposits.
12. To pay off mortgagees or other incumbrancers out of purchase moneys.
13. For delivery of title deeds to purchasers or parties.
14. For compensation for misdescription or on other grounds.
15. To discharge purchasers and for re-sale, &c.
16. To settle and approve conveyances, when directed by the decree or order.

Third. As to matters connected with the management of property.

To hear and dispose of the following applications (that is to say):—

1. For getting in assets.
2. For suing or compounding for, or paying off debts and claims.
3. For defending suits or actions.
4. For granting or renewing leases.
5. For expenditure in repairing buildings and in draining land.
6. For cutting and selling timber.
7. For leave to trustees to employ an agent or bailiff, or to appoint a valuer.
8. For liberty to enfranchise copyholds.
9. For liberty for executors or trustees to concur in sale of mortgaged estates.
10. To compel receivers to bring in accounts and pay balances.
11. To dispose of doubtful and disputed items in receivers' accounts.
12. For leave to put receivers' recognizances in suit.
13. For leave for executors of deceased receiver to pass his account and pay any balance due.
14. To discharge a receiver (not being an adverse application) and to vacate receiver's recognizance.

Fourth. Miscellaneous proceedings under decrees and orders.

1. To summon parties and witnesses.
2. To administer oaths, and take affidavits and receive affirmations, and to take acknowledgments, other than acknowledgments of married women.
3. To examine parties and witnesses either upon interrogatories or *viva voce*.
4. To settle written interrogatories for the examination of parties.
5. To investigate the value and desirability of purchases under orders of the Court, and to refer the titles to

property comprised in such purchases to the conveyancing counsel, and approve the conveyances thereof, and settle the certificates of approval of the titles and conveyances, and as to the parties to execute the conveyances and receive the purchase moneys.

6. To investigate the objections to titles under decrees or orders, and settle the certificates of the result of such investigations, and to approve the deeds of conveyance where required.

7. To prepare minutes of orders made in chambers on further consideration in suits for administration of real and personal estate originating in chambers.

4th.—With reference to proceedings under particular Acts of Parliament.

First. Under the Settled Estates Acts, 19 & 20 Vict. c. 120. and 21 & 22 Vict. c. 77.

1. To direct in what newspapers the notices required by the Acts are to be inserted.
2. To hear and dispose of applications for the appointment of guardians to infant petitioners or respondents, and for leave for such guardians to make or consent to applications under the Act, and for the appointment of examiners to take the examination of married women.
3. Similar duties on sales of settled estates when ordered by the Court, as on sales under decrees.
4. To settle leases of settled estates, when directed by the order.

Second. Under the Infants' Marriage Settlement Act, 18 & 19 Vict. c. 43.

1. To examine the evidence produced in support of petition when adjourned into chambers.
2. To settle marriage settlements in conformity with the proposals approved of by the Judge.
3. To settle minutes of orders approving settlements, for the Registrar.

Third. Under the Legacy Duty Act, 36 Geo. 3. c. 52. s. 32. and the 35th Consolidated General Order, Rule 1.

1. To hear and dispose of applications for transfer and payment to legatees, where the fund does not exceed 300*l.*

Fourth. Under the Trustee Relief Acts, 10 & 11 Vict. c. 96. and 12 & 13 Vict. c. 74, and the 35th Consolidated General Order, Rule 1.

To hear and dispose of applications for transfer and payment out of Court, where the trust fund does not exceed 300*l.*

Fifth. Under the Trustee Act, 1850, and Trustee Extension Act, 15 & 16 Vict. c. 55, and the 35th Consolidated General Order, Rule 1.

1. To hear and dispose of applications for vesting orders in cases of sales or conveyances directed by the Court.
2. For the appointment of persons to convey land or to execute deeds in the like cases.
3. To appoint new trustees in the like cases.

Sixth. Under the Charitable Trusts Acts, 1853, 1855, and 1860.

1. To hear and dispose of applications to appoint trustees, to settle schemes, and to vest charity lands and funds in official trustees.
2. To settle schemes for the regulation and management of charities.
3. To settle minutes of orders approving schemes and directing same to be carried into effect, for the Registrar.

Seventh. Under 1 Will. 4. c. 65. ss. 12, 16, 17, and the 35th Consolidated General Order, Rule 1.

To investigate proposals for, and settle leases of infants' estates.

Eighth. Under the Defence Act, 1842, and s. 23 of the Defence Act, 1860.

To hear and dispose of applications for the investment of, and for the payment of the dividends or interest on, or otherwise in relation to, moneys paid into the Bank of England in the name and with the privity of the Accountant-General of the Court of Chancery, under the said Acts.

Ninth. Under the Drainage Act, 8 & 9 Vict. c. 56, and Acts amending the same.

To proceed with applications for draining lands, and for charging the expense thereof on the inheritance of the said lands, under the provisions of the said Act, when referred to chambers.

Tenth. Under the Acts for winding up of Joint Stock Companies, namely, 11 & 12 Vict. c. 45 (1848); 12 & 13 Vict. c. 108 (1849); 19 & 20 Vict. c. 47 (1856); 20 & 21 Vict. cc. 14, 49, 78 (1857); 21 & 22 Vict. c. 60 (1858); and 25 & 26 Vict. c. 89 (1862).

1. To appoint interim or official managers or liquidators, and fix the amount of their recognizances, and approve of their sureties, and fix the time for passing their accounts.
2. To fix the remuneration of official managers or liquidators.
3. To examine and pass official managers' or liquidators' accounts.
4. To approve and sign advertisements for creditors to bring in their claims.
5. To appoint creditors' representatives.
6. To adjudicate upon debts and claims not allowed upon the affidavit of the official liquidators.
7. To revise and settle certificates of the result of adjudication upon debts and claims.
8. To settle the lists of contributories.
9. To settle certificates of the result of the settlement of lists of contributories.
10. To hear and dispose of applications to vary the list of contributories.
11. Similar duties on sales of property belonging to the Company, where sold with the approbation of the Judge, as on sales under decrees.
12. To make calls upon the contributories of the company.
13. To examine and sign directions to the Bank of England to open an account with the official manager or liquidator.
14. To examine all cheques upon the accounts at the Bank of England to be countersigned by the Judge, or by the Chief Clerk in case the proceedings are under the Companies Act, 1862.
15. To consider and allow compromises with the contributories.
16. To adjust the rights of contributories *inter se.*
17. To examine contributories and witnesses *vivâ voce.*

N.B.—No proceedings have at present been taken in chambers under the Land Registry Act, 25 & 26 Vict. c. 53, or under the Declaration of Title Act, 1862, 25 & 26 Vict. c. 67.

5th.—With reference to incidental and miscellaneous proceedings.

To hear and dispose of the following applications (that is to say),—

1. For payment of income of real or personal property to parties interested therein, pending the proceedings in a cause.
2. For payment out of Court of legacies or funds carried to separate accounts.
3. For payment to any person of the dividends or interest of any funds standing to the credit of any cause or matter to the separate account of such person, and
4. For stop orders, where assignor concurs.
5. To discharge stop orders.
6. To appoint a person to represent the estate of a deceased person, pending inquiries in chambers.

Also,—

7. To investigate the evidence on special applications to be disposed of by the Judge.
8. To attend upon the Judge in chambers and in Court, when required by him.
9. To settle the minutes of orders made by the Judge in chambers, and which are to be drawn up by the Registrar, including a short statement of the evidence read in support of the order.
10. To moderate bills of costs, and fix amounts to be allowed on applications by summons for guardian and maintenance, and on other special applications.

6th.—Meetings of chief clerks, pursuant to Rule 34 of the 1st Consolidated General Order.

The chief clerks meet on the first day of Michaelmas term and the first day after the Christmas, Easter, and

Whitsun vacations, to consider such orders, rules, or regulations as may appear to them calculated to expedite and facilitate the satisfactory transaction of the business of the suitors in the Judges' chambers.

N.B.—Mr. Buckley performs, in the chambers of the Master of the Rolls, the same class of duties as the chief clerks.

As to the Junior Clerks.

1. To examine all summonses required to be issued; to appoint a time for the return thereof, and to affix the seal of the chambers thereto, and cancel the stamps.
2. To prepare from the chief clerk's notes a minute of every order made at chambers, of the class drawn up by the Registrars, and a statement of the evidence read thereon, and obtain the chief clerk's signature thereto.
3. To draw up from the chief clerk's notes all orders made at chambers, of the class drawn up there, and obtain the chief clerk's signature thereto.
4. To make a short abstract of the accounts, inquiries, and directions contained in all decrees and orders brought into chambers, for the use of the chief clerk.
5. To examine all advertisements required to be issued, and to obtain the chief clerk's signature thereto, and afterwards see that they have been inserted in the proper papers.
6. To examine the vouchers produced in support of the items of all accounts left in chambers, and to reserve all doubtful or disputed items for the chief clerk to dispose thereof.
7. To settle the ordinary costs on passing receivers' accounts, and see that such accounts are duly entered and verified.
8. To examine and check computations of interest, apportionments, and other similar matters.
9. To examine schedules of creditors' and incumbrancers' claims brought in, and to compare the same with the Claim book kept at the Judge's chambers, and with the chief clerk's notes of the claims allowed and disallowed.
10. To examine other schedules and statements with documents adduced in support thereof, where specially directed by the chief clerk.
11. To prepare a minute for the conveyancing counsel of any matter referred to him on a sale, purchase, or otherwise.
12. To prepare requests to taxing masters to tax costs forming items in accounts being taken in chambers.
13. To prepare requests to examiners to take the examination of parties or witnesses on proceedings pending in chambers.
14. To examine the drafts of all recognizances, and the formal parts of the drafts of deeds, and particulars and conditions of sale, before the same are settled by the chief clerk.
15. To obtain the chief clerk's signature to a memorandum of approval of all recognizances and deeds settled in chambers on the engrossments thereof.
16. To prepare from the chief clerk's notes a minute of the biddings reserved on any sale, and the instructions to the person appointed to sell.
17. To prepare from the chief clerk's notes and instructions the drafts of the chief clerk's certificates, under decrees and orders, preparatory to the same being revised and settled by the chief clerk.
18. To examine the engrossments of such certificates, and obtain the signature of the chief clerk, and afterwards of the Judge thereto.
19. To file such certificates and the accounts or other documents therein referred to at the Report Office, and to transmit all recognizances to the Inrolment Office.
20. To collect, by means of stamps, all fees of Court payable in respect of proceedings in chambers, to keep an account thereof, and to furnish annually an abstract of such account to the solicitor to the suitors' fund.
21. To attend upon the chief clerk at the commencement of business, daily, with such documents as require his examination and signature, and with reference to other matters that require his attention or direction.
22. To keep, with the assistance of the assistant clerks, books for the purpose of preparing the annual return of proceedings had in chambers, required by the Secretary of State for the Home Department for insertion in the "Judicial Statistics," and to prepare such annual return, and to collect from the official managers and liquidators returns of proceedings in winding-up matters, and to transmit all returns to the said Secretary of State.
23. To attend to and answer applications by parties for information as to the state of any proceeding or matter in which they may be interested.
24. To keep a general supervision over the state and progress of all matters pending in chambers; and under the directions of the chief clerk to apply to the solicitors concerned for explanation as to matters that have not been duly prosecuted.
25. And generally to assist the chief clerks in any way they may require in the discharge of their duties.

As to the Assistant Clerks.

1. To enter in "The Summons and Appointment Book" a minute of the date on which every summons is issued, or appointment made; the name of the cause or matter, and by what party; and, shortly, for what purpose such summons or appointment is obtained, and at what time such summons is returnable, and for what time such appointment is made.
2. To enter in the "Register of Proceedings" a minute of every proceeding in chambers in each cause or matter, consecutively and in chronological order, with a short statement, extracted from the chief clerk's notes, of the result of the proceedings at every hearing.
3. To receive and register all accounts, statements, and other documents directed to be brought into chambers.
4. To keep an alphabetical index of all causes and matters disposed of or pending in chambers, and of the place of deposit of the papers therein, and a like index of the name of every deceased person whose estate is or has been the subject matter of proceedings in chambers.
5. To keep diaries of all appointments, and various other books required in the transaction of chamber business.
6. To prepare lists of matters appointed for each day, and to see that the same are duly affixed in the chambers and outside the doors thereof.
7. To furnish the chief clerk with a copy of such list, and to select and arrange such papers as he may require during the day.
8. To prepare lists of cases adjourned for hearing before the Judge.
9. To prepare from the chief clerk's notes a certificate for the taxing master of the fees and allowances to solicitors for attendances in chambers in any cause or matter, and get same signed by the chief clerk.
10. To put away and keep in proper order for immediate reference, all papers relating to proceedings in chambers.
11. To fair copy the chief clerk's notes and other papers, when required.
12. To assist the junior clerks in keeping the books for the purpose of preparing the annual return required by the Secretary of State.
13. And generally to assist in the discharge of the business of the chambers.

N.B.—The assistant clerk to Mr. Buckley, appointed as herein-after mentioned, performs the same class of duties as above stated with respect to the junior clerks and assistant clerks.

General Note.

The duties of the chief clerks are performed under the immediate superintendence of the Judge, with whom the chief clerks communicate upon all questions of difficulty.

The business transacted by the chief clerks and of the junior and assistant clerks varies in the respective chambers of the Master of the Rolls and Vice-Chancellors, and the above is the best general return the chief clerks are able to make, without specifying in minute detail the variations in the performance of such duties in the different chambers.

The extent of the business transacted and duties performed in the chambers of the Master of the Rolls and the Vice-Chancellors, will further appear from the following summary compiled from the returns made to Her Majesty's Government for insertion in the "Judicial Statistics" for the years 1859, 1860, and 1861.

SUMMARY of the Business transacted in the Chambers of the Master of the Rolls, and the Vice-Chancellors in the Years ending 1st November 1859, 1860, and 1861.*

COURT OF CHANCERY IN ENGLAND.

Returns as to Duties and Appointment of Officers.

Chief Clerks of the Master of the Rolls, and the Vice-Chancellors.

NATURE OF PROCEEDINGS.	TOTAL OF ALL THE CHAMBERS.					
	Number.			Amount.		
	1859.	1860	1861.	1859.	1860.	1861.
Number issued of Summonses to originate Proceedings, viz.:—				£	£	£
For the Administration of Estates	332	420	480	—	—	—
Under the Charitable Trusts Acts	81	59	23	—	—	—
For the Appointment of Guardians and Maintenance of Infants	146	143	144	—	—	—
For other purposes	91	142	134	—	—	—
Number issued of Summonses not being Summonses to originate Proceedings	16,381	16,184	16,066	—	—	—
Number of Orders made, viz.:—						
Of the Class drawn up by the Registrars	6,772	6,390	6,320	—	—	—
Of the Class drawn up in Chambers	5,770	5,143	4,914	—	—	—
Number of Orders brought into Chambers for prosecution, other than Orders for winding up Companies	1,919	1,933	2,100	—	—	—
Number of Orders brought into Chambers for winding up Companies	11	9	12	—	—	—
Number of Advertisements issued	964	914	888	—	—	—
Number of Debts claimed and adjudicated on	4,020	3,106	3,243	—	—	—
Amount of Debts proved	- -	- -	- -	1,288,387	727,362	873,120
Number of Accounts passed, other than Receivers' Accounts	1,271	1,138	1,197	—	—	—
Amount of Receipts therein	- -	- -	- -	5,870,849	6,705,593	5,049,103
Amount of Disbursements and Allowances therein	- -	- -	- -	5,428,985	6,212,661	4,545,055
Number of Receivers' Accounts passed	475	476	613	—	—	—
Amount of Receipts therein	- -	- -	- -	1,124,306	1,035,106	1,551,132
Amount of Disbursements and Allowances therein	- -	- -	- -	909,803	858,701	1,267,529
Number of Sales of Estates under Orders of Court	490	457	411	—	—	—
Amount realized by Sales of Estates	- -	- -	- -	1,745,840	1,598,157	1,243,663
Number of Purchases of Estates under Orders of Court	84	74	94	—	—	—
Number of Titles and other Matters directed to be investigated by the Conveyancing Counsel	379	330	347	—	—	—
Number of Certificates filed	2,411	2,242	2,392	—	—	—
Number of Contributories included in Lists of Contributories	1,937	1,640	201	—	—	—
Number of Contributories excluded from Lists of Contributories	119	184	10	—	—	—
Amount of Calls made under Orders for winding up Companies	- -	- -	- -	797,092	733,869	123,221
Number of Appointments (by Summonses, Adjournment, or otherwise) disposed of	39,278	39,100	39,736	—	—	—
Number of Orders under which Accounts and Inquiries were pending at date of return	2,471	2,348	2,379	—	—	—
Number of Orders for winding up Companies then pending	76	84	88	—	—	—
Amount of Fees collected in Chambers by Stamps	- -	- -	- -	11,401	9,831	10,259

* The return for the year ending 1st November 1862 is not yet completed.

Requisition II.—The statutes, warrants, orders, or other authority by which such duties are imposed or regulated.

The foregoing duties of the chief clerks are imposed and regulated by the statute 15 & 16 Vict. c. 80. sections 14, 29, 30, and 32, and by the directions from time to time given by their respective Judges, pursuant to the 23d and 29th sections of the same statute, and by the General Orders of 16th October 1852, now embodied in the 35th of the Consolidated General Orders, so far as such General Orders relate to the duties of the chief clerks.

The foregoing duties of the junior and assistant clerks are imposed and regulated by the directions from time to time given by their respective Judges, and by the chief clerks to whom they are respectively appointed.

Requisition III.—The changes, if any, in the nature and extent of the duties performed by each of such officers since his appointment.

No change has taken place in the nature of the duties performed by the chief clerks; but the extent of their duties has been increased since 1852 by reason of the following statutes and General Orders; (that is to say,)

1. 18 & 19 Vict. c. 32. (Stannary Court Amendment Act).
2. 18 & 19 Vict. c. 43. (Infants' Settlement Act).
3. Charitable Trusts Acts, 1853, 1855, and 1860, and the General Orders of 9th December 1853, under the Charitable Trusts Act, 1853, and now the 41st of the Consolidated General Orders, Rules 10–13.

   The General Orders of 12th November 1856, under the 15 & 16 Vict. c. 80., and 18 & 19 Vict. c. 134. s. 16., and now the 35th of the Consolidated General Orders, Rule 1.
5. 19 & 20 Vict. c. 47.; 20 & 21 Vict. cc. 14., 49., and 78.; 21 & 22 Vict. c. 60.; and 25 & 26 Vict. c. 89., for winding up Joint Stock Companies, and the General Order of 11th November 1862, under the 25 & 26 Vict. c. 89.
6. 19 & 20 Vict. c. 120., and 21 & 22 Vict. c. 77. (Settled Estates Acts), and the General Order of 15th November 1856, under the 19 & 20 Vict. c. 120., and now the 41st of the Consolidated General Orders, Rules 14–25.
7. 21 & 22 Vict. c. 27. (Chancery Amendment Act), and the General Order of 4th April 1859 thereunder, and now the 41st of the Consolidated General Orders, Rules 26–52.
8. 22 & 23 Vict. c. 35., and 23 & 24 Vict. c. 38. (Law of Property Amendment Acts), and the General Order of 20th March 1860, under the 22 & 23 Vict. c. 35.
9. The 1st of the Consolidated General Orders, Rule 34.
10. The General Order of 23d August 1860, under the 15 & 16 Vict. c. 80.
11. The General Orders of 5th February 1861, under the 15 & 16 Vict. c. 86., and 23 & 24 Vict. c. 128.

The duties of the chief clerks have been, to some extent, decreased by "The Charitable Trusts Act, 1860," and the 25 & 26 Vict. c. 112., by reason of certain applications theretofore made at chambers, being now heard and disposed of by the Charity Commissioners.

No change has taken place in the nature of the duties performed by the junior clerks, but the extent of their duties has been altered by the appointment of two additional junior clerks in 1855, under the 18 & 19 Vict. c. 134., before which time the same description of duties as are now performed by the four junior and two assistant clerks in each chambers were performed by the two junior clerks appointed in 1852, under the 15 & 16 Vict. c. 80.

Returns as to Duties and Appointment of Officers.

Chief Clerks of the Master of the Rolls, and the Vice-Chancellors.

No change has taken place in the nature and extent of the duties performed by the assistant clerks since their respective appointments.

Requisition IV.—The statutable or other authority under which each appointment in the office was made, and the person in whom the right of appointment is vested.

Mr. George Whiting (now one of the chief clerks of the Master of the Rolls), Mr. Henry Leman (now one of the chief clerks of the Vice-Chancellor Sir William Page Wood), and Mr. Charles Pugh (now one of the chief clerks of the Vice-Chancellor Sir Richard Torin Kindersley), were appointed chief clerks to three of the equity Judges by the 17th section of the 15 & 16 Vict. c. 80.

The other chief clerks of the Master of the Rolls and Vice-Chancellors respectively were, with the approbation of the Lord Chancellor, appointed under the 16th section of the 15 & 16 Vict. c. 80, and such appointments have been made by the Master of the Rolls and the Vice-Chancellors respectively, in whom the right of such appointment, with the approbation of the Lord Chancellor, is vested by the said statute.

Mr. Buckley, the additional clerk in the chambers of the Master of the Rolls, was appointed by the Lord Chancellor in November 1856, to assist the chief clerks of the Master of the Rolls in their duties, and such appointment was continued by the 10th section of the 23 & 24 Vict. c. 149.

One of the two junior clerks to each chief clerk of the Master of the Rolls and Vice-Chancellors respectively, was appointed under the 18th section of the 15 & 16 Vict. c. 80, and such appointments were made by the Master of the Rolls and the Vice-Chancellors respectively, in whom the right of such appointment is vested by the said statute.

The other of the two junior clerks to each chief clerk of the Master of the Rolls and Vice-Chancellors respectively, was appointed under the 1st section of 18 & 19 Vict. c. 134, and such appointments were made by the Master of the Rolls and the Vice-Chancellors respectively, in whom the right of such appointment is vested by the last-mentioned statute.

The assistant clerk to each chief clerk, and the assistant clerk to Mr. Buckley, have been appointed under the second section of the 3 & 4 Vict. c. 94, and such appointments respectively have been made by the Lord Chancellor, in whom the right of such appointment is vested by the said statute, with the advice and consent of the Master of the Rolls and Vice-Chancellors respectively.

Dated this 20th day of December 1862.

(Signed)	GEO. WHITING, GEO. HUME,	Chief Clerks to the Master of the Rolls.
	FRED. EE. EDWARDS, CHAS. FUGH,	Chief Clerks to the Vice-Chancellor Kindersley.
	ALFRED HALL, ROBT. W. PEAKE,	Chief Clerks to the Vice-Chancellor Stuart.
	HY. LEMAN, EDWD. WEATHERALL,	Chief Clerks to the Vice-Chancellor Wood.

Office of the Taxing Masters.

II. 5. The RETURN of the TAXING MASTERS of the HIGH COURT of CHANCERY in ENGLAND to the request of HER MAJESTY'S COMMISSIONERS for INQUIRY into the SUPERIOR COURTS of COMMON LAW and the COURTS of CHANCERY in ENGLAND and IRELAND.

By the Act 5 & 6 Vict. c. 103., six Taxing Masters were appointed, and it was further enacted that no further appointment should be made while there were six or more Taxing Masters, unless the Lord Chancellor, with the advice and consent of the Master of the Rolls and Vice Chancellors, for the time being, should by any order declare such appointment to be necessary, the number at no time to exceed nine.

In the year 1858 the business of the Taxing Masters had much increased, and a Seventh Master was appointed under the provisions of the Act.

The duties to be performed by the Taxing Masters were defined by the Order of Court, bearing date the 26th day of October 1842, made in pursuance of the Act, as follows:—

"The Taxing Masters shall perform all such duties as have heretofore been referred to or performed by the Masters in Ordinary in relation to the taxation of costs, and shall in respect thereof have all such powers and authorities as are now vested in the Masters in Ordinary; to administer oaths; to examine witnesses and parties; to order the production and inspection of books, papers, and documents; to proceed de die in diem; to make separate reports and certificates; to require that any party be represented by a separate solicitor; and to direct and adopt all such proceedings as may now be directed and adopted by the Masters in Ordinary, on references for the taxation of costs and taking accounts of what is due in respect of such costs and such other accounts connected therewith, as may be directed by the Court."

Returns as to Duties and Appointment of Officers.

Office of the Taxing Masters.

"That the Taxing Masters are to be respectively assistant to each other, and in the discharge of their duties, and for the better dispatch of the business of their respective offices any Taxing Master may tax or assist in the taxation of a bill of costs, which has been referred for taxation and for ascertaining what is due in respect of such costs to any other Taxing Master, and in such case shall certify accordingly."

"That the fees set forth in the third schedule to the said Order be received and taken by the Taxing Masters and their clerks, and be by them paid into the Bank of England in the name of the Accountant-General to be placed to the credit of the account entitled the Suitors' Fee Fund Account," (but by the Order of the 25th day of October 1852 the fees are now paid in stamps).

By the Act of 6 & 7 Vict. c. 73, for consolidating and amending the law relating to attorneys and solicitors, it is enacted, that in case no part of the business comprised in the bill of an attorney or solicitor shall have been transacted in any court of law or equity the Lord Chancellor or the Master of the Rolls is to refer such bill and the demand of the attorney or solicitor thereupon, to be taxed and settled by the Taxing Masters of the Court of Chancery.

In pursuance of which Act all Solicitors' bills for every kind of business other than such as is transacted in some court of law or equity (and which are by that Act for the first time made subject to taxation) are taxed, and the accounts between the Solicitor and the Client taken by the Taxing Masters of the Court of Chancery.

All costs, charges, and expenses incurred in any way in relation to proceedings in Lunacy, or in any way relating to the management of a Lunatic's estate, are taxed by the Taxing Masters of this Court.

By the Lands Clauses Consolidation Act, 1845, costs, charges, and expenses of and incidental to the taking and purchase of lands for railways, and other public companies, including therein the professional fees, charges, and expenses paid to auctioneers, land surveyors, and valuers, and other professional witnesses, are taxed and settled by the Taxing Masters.

At the request from chambers of the Master of the Rolls, and Vice Chancellors, the Taxing Masters tax the costs, charges and expenses incurred in proceedings under the several Joint Stock Companies Winding-up Acts; and by the general order of this Court, bearing date the 11th day of November 1862, made under the Companies Act, 1862, it is ordered that where an order is made in Court or chambers for payment of any costs the order shall direct the taxation thereof by the Taxing Master.

The Taxing Masters also, at the request and by way of assistance to the officers of other Courts (who in like manner assist them), tax costs relating to proceedings of the Court of Chancery, which may be comprised in bills of costs under taxation by the officers of those Courts.

By the 15 & 16 Vict. c. 80., section 41, the Chancellor was empowered to appoint Conveyancing Counsel.

By section 42 the Court was empowered to obtain the assistance of accountants, merchants, engineers, actuaries, and other scientific persons.

By the 43rd section, the allowances in respect of fees to such conveyancing counsel, accountants, merchants, engineers, actuaries, and other scientific persons are to be regulated by the Taxing Masters, subject to an appeal to the Judge.

Costs of appeals to the Chancellor under the Patent Law Amendment Acts are taxed in this office.

Costs of purchases by Government under the Defence Act are made taxable in this office.

By the Act 5 & 6 Victoria, c. 103., it was enacted that each Taxing Master might appoint, to assist him in his business, one clerk, and as many more as the Lord Chancellor might from time to time direct.

On the Act coming into operation, each Master appointed one clerk, whose duties were, to make the appointments for the Masters, prepare the certificates and reports, and to perform all the duties hereinafter mentioned as now being performed by the second clerks. But in consequence of the great increase in the business of the Taxing Masters' offices, it was found necessary, in the year 1853, to appoint a second clerk to each Master, in order that the first clerk might become further assistant to the Master in the discharge of the duties of his office. The following is a

Returns as to Duties and Appointment of Officers.

Office of the Taxing Masters.

general statement of the duties now performed by the first and second clerks respectively.

The first clerk, prior to the taxation, sometimes alone, and sometimes with the solicitors, compares the bills of costs with the papers, vouchers, and other documents, for the purpose of checking and vouching the lengths of documents and copies, formal attendances, fees of Court and counsel, and other payments; then makes the appointments for proceeding before the Master, allotting to each case the time it will in his opinion require.

After taxation, he prepares the certificates and reports, and generally superintends the business of the office.

The principal duty of the second clerk is the examining and checking the castings of the bills of costs after taxation, in order to their being certified.

He further has the care of the office papers and records, keeps the books of the office containing the entries of all the work done, and the fees of Court thereon, especially for the purpose of making the returns thereof to the Chancellor and the Home Office, and assists generally, as may be required, in the office business.

The appointment of the Taxing Masters is, by the Act 5 & 6 Victoria, c. 103., vested in the Lord Chancellor. The appointment of the clerks is vested in the Taxing Masters.

Taxing Masters' Office,
19th Dec. 1862.

Solicitor to the Suitors' Fund.

II. 6. The RETURN of the SOLICITOR to the SUITORS' FUND, made in pursuance of the Direction of HER MAJESTY'S COMMISSIONERS "for inquiring into the "Superior Courts of Common Law and the Courts "of Chancery in England and Ireland."

The solicitor to the Suitors' Fund has no officer under him; he is responsible for the whole of the duties that devolve upon the office, and employs and pays out of his salary such clerks as he finds necessary from time to time to assist him in performing such duties. He also pays the rent of his office and all office expenses out of his allowance.

In addition to transacting all the legal business of the court and that connected with the Suitors' Fund, it is his duty to act as the steward and protector of the fund.

Previous to the year 1836, all applications for payment out of the fund were made to the court on petition, when references were made to, and inquiries prosecuted before, the masters, as in ordinary suits; all of which occasioned great and as was supposed very unnecessary costs and expenses, in consequence of which two several orders of court were made, each bearing date the 5th day of March 1836, under which all claims upon the Suitors' Fund are now made in the first instance to the solicitor of the Suitors' Fund, who investigates them, ascertains the payment is authorized by the several Acts of Parliament regulating the Suitors' Fund, obtains evidence of their having been properly incurred, and, in the case of goods, &c., that they have been duly received, the proper prices charged, &c.

He then carries the account into the chambers of the Master of the Rolls, where the account is duly passed by the solicitor before the chief clerk, who reads the evidence prepared by the solicitor of the Suitors' Fund, and then makes his report, which, after it is confirmed by the judge, is filed by the solicitor to the Suitors' Fund, and the several claimants under it are paid by the Accountant-General upon being identified by the solicitor to the Suitors' Fund.

The goods purchased for the use of the courts and offices are all supplied under contracts entered into with the solicitor to the Suitors' Fund, who, before he allows the claims to be carried into the judge's chambers, sees that the prices agree with the contract price, that the articles have been ordered by the persons properly authorized to do so, and that they have been duly received for the use of the court, and a receipt given for them by the proper officer.

The solicitor to the Suitors' Fund also prepares the affidavits for the different claimants and gets them sworn to the same, which he afterwards produces before the chief clerk as evidence in support of the claims.

He advises the Lord Chancellor in all matters relating to the Suitors' Fund, and points out the several Acts of Parliament under which the claims are made for payment out of the fund, and prepares all the orders for the Lord Chancellor's signature under which the claims are ultimately paid by the Accountant-General.

He also prepares or assists in preparing all the general orders of the court, and such bills relating to the court and affecting the fund as the Lord Chancellor may please to entrust him with, and afterwards carries the bill through the Houses of Parliament.

Any applications made to the court for payment out of the Suitors' Fund must, by the general orders of the court, be served upon the solicitor to the Suitors' Fund, who upon being so served appears by counsel and protects the fund.

COURT OF CHANCERY IN ENGLAND.

Returns as to Duties and Appointment of Officers.

Solicitor to the Suitors' Fund.

By the 15th and 16th Vict. c. 80, where the parties in any cause or matter or their solicitors refuse or neglect to bring the master's report or certificate before the court, the same may, by the direction of the masters, be brought before the court by the solicitor to the Suitors' Fund.

By the general order of the 6th December 1844, and consolidated order 12, rule 5, where an order is made under the 1st William the 4th, chapter 36, or under the general order of 8th May 1845, and consolidated order 12, rule 4, directing an inquiry as to the fact of poverty of any prisoner in contempt, notice in writing of such order and of any summons to proceed thereupon is to be duly served upon the solicitor to the Suitors' Fund, when it is his duty to prosecute the inquiry and ascertain that the person is really a pauper and entitled to the benefit of the said Act.

Previous to the year 1842, when the Act abolishing the office of six clerk was passed, it was the practice when defendants were too poor to defend the suit to appoint one of the six clerks to defend the suit for them in formâ pauperis. Since that time it has been the practice to appoint the solicitor to the Suitors' Fund, who receives no costs in respect of such defence, unless indeed in the very rare case of the pauper defeating the plaintiff and dives costs being ordered.

Where a defendant to a suit is an infant or a person of unsound mind not found so by inquisition, and the friends do not choose to appoint a solicitor to act for them, it is the practice of the court to appoint the solicitor to the Suitors' Fund to be guardian ad litem to defend the suit for them.

It has also become the practice for the Lord Chancellor and the Lords Justices under the Lunacy Regulation Acts, 1853 and 1862, to direct the solicitor to the Suitors' Fund to prosecute inquiries under reports made to them by the commissioners of lunacy, the masters in lunacy, and other persons, and it has also become the practice of the masters in lunacy, where a lunatic does not appear to be properly protected before them, to employ the solicitor to the Suitors' Fund to act on his behalf. In these cases the solicitor receives the usual and proper costs of the proceedings as in ordinary cases, where there are funds belonging to the lunatic, but in some cases, as where the lunatic, for instance, has a life interest only in property and dies leaving no property, the solicitor gets no payment for his services, but on the contrary has to bear the costs out of pocket that he has incurred during the progress of the proceedings.

By the Act of the 23rd and 24th Victoria certain duties devolve upon the solicitor to the Suitors' Fund for the relief of persons committed for contempt of the Court of Chancery, for some of which duties he receives a small additional salary.

The present solicitor to the Suitors' Fund was appointed by the Lord Chancellor by an order made on the 29th day of October 1842 in pursuance of the general order of the 5th of March 1836.

(Signed) J. J. JOHNSON,
29th January 1863. Solicitor to the Suitors' Fund.

Registrar's Office.

II. 7. RETURN of the SENIOR REGISTRAR of the HIGH COURT of CHANCERY in England to the questions addressed to him by the English and Irish Courts of Law and Chancery Commission.

I. *The nature and extent of the duties performed by yourself and each officer under you in the Registrar's Office.*

1. The staff of the Registrar's Office consists of 11 Registrars, 14 clerks, 11 assistant clerks, 2 clerks of the entries, and 2 bag bearers.

As to the Registrars.

2. The duties of each of the 11 Registrars are as follows:

3. To attend the sittings of the Court, not less than three days in every week, during the terms and sittings after terms; to call the court paper of the day; to call juries and swear witnesses; to mark exhibits, or other documents, produced in Court, when directed by the judge; to take notes of all decrees and orders made by the Court; to attend at the office during the rest of the week; to draw such draft decrees and orders as are not drawn by the clerks as after mentioned; to revise the drafts of the decrees and orders drawn by the clerks; to settle the drafts of decrees and orders with the solicitors; to sign all admissions, as an authority for their being filed, previously to their entry in decrees and orders; to pass, *i.e.*, to sign his initials to all

decrees and orders, as an authority for the entry thereof in the Registrar's Book; to ascertain, on settling decrees and orders made in Court, whether any succession or legacy duty is chargeable, in respect of any funds or cash to be carried over to a separate account, or to be transferred, or paid, out of Court, and either to be satisfied that the same has been paid, or to provide for the same, by directing payment out of the fund, or by directing payment or carrying over, subject to such duty; to sign all certificates authorizing the sale, or transfer, or delivery out of stock or securities in Court, and to authenticate the issuing the same in the margin of each order; to attend, in turn, at the Accountant-General's Office to countersign the Accountant-General's cheques; and, generally, to take care that the duties of their clerk and assistant clerk are efficiently performed.

4. One of the Registrars is also in attendance during vacations.

5. The Senior Registrar, in addition to the above duties, has the general superintendence of the office, the custody of the cause books and petitions of appeal and rehearing, together with the temporary custody of the deposits on such petitions, and pays the same into the Bank of England, to the Appeal Deposit Account, on affidavit, every three months. He also makes out, subject to the sanction of the Judges, the papers regulating the sittings of the Court, and superintends the duties, performed by the entering clerks, and bag bearers.

As to the Clerks.

6. One clerk and an assistant clerk are attached to each registrar, and to the Senior Registrar the Senior of the 14 clerks is also attached and performs the following duties:—

7. He attends at the office daily and occasionally sits in Court, to qualify himself for the office of Registrar. He assists in discharging the duties of any clerk, who may be absent on leave. He keeps a daily register of all the orders made in each Court, for the purpose of making a summary, for transmission, annually, to the Home Office. He prepares all returns, ballots for the conveyancing Counsel, receives and accounts with the Senior Registrar for all deposits, assists and instructs the three junior clerks in their duties, makes out the rota of the attendance of the Registrars in the different Courts, and to countersign the cheques of the Accountant-General, and generally gives such assistance to the Senior Registrar as may be required. He is the clerk selected to act as Deputy Registrar by any Registrar who may be absent, on account of illness.

8. The two juniors of the 14 clerks attend at the office daily, draw up all such orders, as are technically termed orders of course; all certificates authorizing the sale, and transfer, and delivery out, of stock and securities; set down all causes, demurrers, pleas, appeal motions, and petitions of appeal, and rehearing, &c.

9. The duties of the clerk, attached to each Registrar, are to attend at the office daily, to draw the drafts of all decrees and orders (not being orders of course), except such as may be drawn by the Registrar, to examine the evidence entered on the decrees and orders, and generally to assist the Registrar.

As to the Assistant Clerks.

10. The assistant clerk of each Registrar attends at the office daily, receives from the solicitors, takes charge of and returns to them, all briefs and papers required by the Registrar, for the preparation of the decrees and orders; keeps a register of the decrees and orders, made by the Court, and at chambers, showing the time occupied in the progressive stages through the office of the several decrees and orders; transcribes daily, from the Registrar's Court minute book, into a book, for the use of the clerk, the entries therein, so as to enable him to draw the decrees and orders; makes and enters in a book appointments with solicitors to attend the Registrar; examines the engrossments of all decrees and orders with the drafts, as settled by the Registrar, before leaving them with him for passing; leaves them, when passed, for entry, gets them back from the entering clerks, when entered, and gives them out to the solicitors. He also keeps an account of the fees paid on each decree and order, and performs such other routine duties, as the Registrar may direct.

11. The extent of the duties performed by the Registrars and their clerks will appear from the following returns:—No. 1, (being extracts from the returns annually furnished to the Home Office and published amongst the "Judicial "Statistics") shows the numbers of orders and decrees drawn up by them in each of the last four years. The return No. 2, (being an account of the fees under each denomination collected in the Registrar's office by stamps in each month of the past year) shows how much more business is transacted during the month of July than in any other month.

RETURN, No. 1.

	1859.	1860.	1861.	1862.
1. Orders made on the hearing of appeal motions and appeal petitions -	83	68	67	65
2. Orders made on the hearing of appeals and rehearing of causes -	98	81	94	85
3. Orders made on the hearing of pleas and demurrers and exceptions to pleadings - -	56	61	74	62
4. Orders made on the hearing of causes and further consideration -	1,786	1,763	1,766	1,703
5. Orders made on the hearing of petitions under winding-up Acts -	12	8	2,438	9
6. Orders made on the hearing of other petitions -	2,500	2,481		2,386
7. Orders made on the hearing of special motions -	1,265	1,067	1,044	812
8. Orders on summons drawn up by the registrars -	5,679	5,967	5,987	6,034
9. Orders on petitions and motions of course -	523	514	497	501
Total - -	12,002	12,010	11,967	11,657
10. Certificates for sale and transfer of stock or other securities - -	2,935	2,783	3,002	3,094
11. Amount of fees collected by stamps - £	12,912	12,842	12,928	12,497 17

RETURN, No. 2.

	£3.	£1.	10s.	5s.	1s.
1861.	£	£	£ s. d.	£ s. d.	£ s. d.
November	186	745	76 0 0	19 5 0	0 7 0
December	243	624	73 0 0	10 15 0	0 8 0
1862.					
January -	237	675	67 10 0	11 5 0	0 12 0
February -	393	727	79 10 0	13 10 0	0 18 0
March -	510	843	111 0 0	15 0 0	0 11 0
April -	213	402	44 0 0	5 15 0	0 9 0
May -	345	678	83 0 0	9 10 0	0 3 0
June -	501	935	102 0 0	15 0 0	0 5 0
July -	696	1,198	147 0 0	14 5 0	0 15 0
August -	456	845	73 10 0	7 5 0	0 3 0
September / October -	9	48	5 10 0	0 15 0	0 1 0
£	3,789	7,720	862 0 0	122 5 0	4 12 0

Total, £12,497 17s.*

* *Note.*—There are no stationers or scrivenery clerks on the establishment of the Registrar's Office, but, to defray the expense of copying decrees and orders, an annual sum is paid to each Registrar out of the suitors' fee fund. The Registrars have hitherto found it convenient to unite in employing one stationer for copying orders. This stationer is accommodated with a seat in the office.

As to the Entering Clerks.

12. The two entering clerks transact their business under the direction of the Senior Registrar. Their duties are as follows:—To enter as of record all decrees and orders, drawn up and passed by the Registrars, and by the Chief Clerks of the judges, and all precipes for attachments; to make calendars of such entries; and to attend generally to all searches and inquiries arising therefrom.

As to the Bag-Bearers.

13. The duties of the Registrars' bag-bearers are to convey the Registrar's court books and papers to and from the several Courts; to keep memoranda of the various adjournments of causes, &c.; of the cases to be spoken to, of advancement of petitions, and of motions to be heard by order; to cross out of the court books all causes heard in the Courts, each day; to keep an account of all the adjourned petitions, and summonses from chambers, standing

COURT OF CHANCERY IN ENGLAND.

Returns as to Duties and Appointment of Officers.

Registrar's Office.

over to the next day of petitions, or to other times appointed by the Judges; to keep a like account of the days appointed for giving judgments; and of all other appointments made by the Court; the same to be copied (and a list kept) from each of the Registrar's papers, daily, at the rising of each Court; to make out lists for the ensuing day, to post the same on the doors of the various Courts at their rising for the inspection of the suitors and solicitors; to prepare a printed list of the ensuing day's business of all the Courts, which is to be delivered, the same evening, to the Gentlemen of the bar, and to the solicitors subscribing for the same; and also to supply each Registrar in Court with a fairly written copy of such list.

It is also the duty of the bag bearers to take care that the seal papers and lists of causes set down for hearing are printed and distributed, previously to the sittings in and out of terms.

II. *The Statutes, Warrants, Orders, or other Authority by which such duties are imposed or regulated.*

14. The Statutes of 3 & 4 Will. 4. c. 94., 3 & 4 Vict. c. 94., 5 Vict. c. 5., 14 & 15 Vict. c. 83., 18 & 19 Vict. c. 134., the Consolidated Orders, No. 1, Rules 17 to 33, both inclusive; and Order of Court of 27 July 1852.

15. The report of the Chancery Commissioners in 1856 recommended the appointment of the assistant clerks to the Registrars, and they were appointed by Lord Chancellor Chelmsford, by order of Court of 11 January 1859, in pursuance of the 3 & 4 Vict. c. 94. The duties performed by the assistant clerks are of the same kind as those recommended by the Commissioners.

16. The duties of the bag bearers are prescribed by a letter from the Principal Secretary of Lord Chancellor Cranworth, of the 27th day of August 1853.

III. *The changes, if any, in the nature and extent of the duties to be performed by each of such officers since his appointment.*

17. No material changes have been made, in the nature and extent of the duties to be performed by the Registrars and their clerks, since their appointments, except that, previously to 1859 the drafts of decrees, which are now drawn by the clerks, were drawn by the Registrars, and that (the fees having, since 1852, been collected by stamps) the clerks have been relieved from the labour of receiving them in money, and keeping the accounts of the receipt thereof, and paying the same into the Bank of England, monthly, on affidavit. The duties of such of the Registrars and clerks as have entered on their functions, since the above-mentioned changes, remain unaltered.

18. There has been no change in the nature of the duties to be performed by the two clerks of entries since their appointments, but the extent of their duties has increased. The number of orders and decrees entered in 1851 were 10,159, and, in 1860, 15,516.

19. The nature and extent of the duties performed by the assistant clerks and bag bearers have remained unchanged.

IV. *The statutable or other authority under which each appointment in the office was made, and the person in whom the right of appointment is vested.*

20. Formerly all appointments were in the gift of the Registrars, and three of the present Registrars entered the office previously to 1834 as clerks under such appointments.

21. By 3 & 4 Will. 4. c. 94. these officers were confirmed in their places, and, thenceforward, the patronage was vested in the Lord Chancellor. By 5 Vict. c. 5. the equity side of the Court of Exchequer was abolished, and five officers of that Court (of whom two remain) were transferred to the Registrar's Office. All the other officers have been appointed under the 5 Vict. c. 5., or 14 & 15 Vict. c. 83.

22. The Lord Chancellor appoints a clerk properly qualified to every vacancy in the office, and the Acts of the 5 Vict. c. 5. and 14 & 15 Vict. c. 83. secure to the Registrars and clerks their ancient right of succession by seniority; and also the right of the senior clerk to succeed to the office of Registrar.

23. The assistant clerks are appointed under the Act of the 3 & 4 Vict. c. 94. by the Lord Chancellor, on the nomination of the Registrar; but they are not entitled to succeed to the office of clerk or Registrar.

24. The two clerks of entries are appointed by the Lord Chancellor under the Statute of 3 & 4 Will. 4. c. 94.

25. The bag bearers are appointed by the Senior Registrar.

(Signed) CECIL MONRO,
Senior Registrar.

Registrar's Office,
2nd December 1862.

II. 8. RETURN by the CLERK of the ENROLMENTS as to his DUTIES and APPOINTMENT.

COURT OF CHANCERY IN ENGLAND.

Returns as to Duties and Appointment of Officers.

Enrolment Office.

Enrolment Office, Chancery Lane, W.C.,
12th January 1863.

SIR,

IN reply to your letter of the 11th November, requesting me to make a return to Her Majesty's Commissioners for inquiring into the Superior Courts of Common Law, and the Courts of Chancery in England and Wales, under the following heads of inquiry, I beg to make the following return:—

1. *As to the nature and extent of the duties performed by myself, and each of the officers under me, in the enrolment office:—*

The nature of the duties performed by me, is described by the Statute creating the office of clerk of enrolments in Chancery, (5 & 6 Vict. c. 103. s. 3.) "All enrolments "which, if this act had not been passed, would have been "under the management of the clerks of enrolments, shall "be under the management of an officer to be called the "clerk of enrolments in Chancery; and all duties and "authorities which, if this act had not been passed, could "have been performed and exercised by the six clerks, "as comptrollers of the hanaper and riding clerk, shall "be performed and exercised by the clerk of enrolments "in Chancery."

Enrolments in Chancery are copies on rolls of parchment of the entirety of deeds, instruments, and paper writings. The enrolments which were under the management of the clerks of enrolments extend to—

Deeds—provided that the deed tendered for enrolment be acknowledged by some party to it to be his act and deed.

Recognizances—29 Car. II. c. 3.

Recognizances, given by some party to the Master of the Rolls and the Senior Vice-Chancellors; or in winding up suits to the Vice-Chancellor before whom the matter is pending. These recognizances are vacated, pursuant to the order of the Master of the Rolls written in the margin of the roll, by cancelling the enrolment.

Certificates of naturalization, 7 & 8 Vict. c. 66.

Certificates by the judges of assize, of their having postponed, and of the reason wherefore, the reading the commission of assize to a later day than that therein named for such reading.

Memorials, (directed to be made and enrolled by the act of each particular company,) of the assignment of shares, and of the change of directors and shareholders, in certain companies.

Returns (under 1 Vict. c. 73.), of the name, address, and number of shares held by each shareholder, and of the transfer of every share. These returns, strictly speaking, are not enrolled, but registered (which is the same thing in effect) in a book kept in the office for that special purpose.

Deeds, instruments, and paper writings bearing the fiat of the Master of the Rolls, that they "be enrolled for "safe custody only."

Patents and specifications of patents.

Memorials of annuities.

The foregoing are the enrolments which were formerly under the management of the clerks of enrolments. Patents, however, and specifications of patents, are no longer enrolled in Chancery, but are filed in another office, though disclaimers relating to patents, dated previously to 15 & 16 Vict. c. 83., still continue to be enrolled, 15 & 16 Vict. c. 83., s. 27. 31.

The enrolment of memorials of annuities was put an end to by 17 & 18 Vict. c. 90.

The registry of returns, under 1 Vict. c. 73., is now reduced, by the operation of the Joint Stock Companies Act. 1856, to those of four or five companies. And the same may be said of the enrolment of memorials.

The enrolment of ordinary recognizances (that is to say, of recognizances not given in some suit in Chancery) is also rare.

With the exception, however, of patents and specifications, and memorials of annuities, all the others above enumerated are the subjects of enrolment at the present time. And to them have been added by the Charitable Uses Acts, *assurances*, (intended to include copies of Court Roll,) and *instruments*, declaring the charitable uses.

The last mentioned acts have had the effect of extending, in some degree, the duties of the clerk of enrolments. By the previous practice, if a deed tendered for enrolment appeared to be deficient in none of the formalities required by the Statute under which it was tendered for enrolment, it was received and enrolled without further examination. If, for instance, an indenture to be enrolled under the Mortmain Act were tendered within six months fro m

day of its date, and the execution by the grantor appeared to be attested by two witnesses, it was received and enrolled; the responsibility for the validity of the deed, and for the propriety of its enrolment under the Statute in question, resting with the party tendering it.

But when the Charitable Uses Acts came into operation, the chapel deeds of the dissenting congregations throughout England and Wales, for the most part small and not rich, were sent for enrolment through agents not belonging to the legal profession, such as their own ministers, law stationers, and others, wholly ignorant of the effect and operation of those acts. Deeds were brought not requiring enrolment; sometimes referring to other deeds essentially requiring to be enrolled. And it became manifest, that if the Act was not to become a dead letter, assistance beyond the practice of the office must be afforded to the parties. The result has been, that they have to a considerable extent thrown upon the office the doing what they might have done for themselves. But this was unavoidable, and will perhaps continue, until the time shall have expired for enrolling deeds executed previously to the 24 Vict. c. 9.

By the practice, no deed is received for enrolment that is not duly acknowledged by some party to it to be his act and deed. The necessity, however, for this formality is indirectly recognized by some recent Statutes, (3 & 4 W. IV. c. 74., 1 Vict. c. 20., 25 Vict. c. 17.,) by the special exemption from it given to particular deeds; and it now no longer rests upon the practice of the office.

If the parties wish to enrol a deed which does not need enrolment under any Statute, they can avoid the acknowledgment of it by obtaining the fiat of the Master of the Rolls, that it be enrolled for safe custody only.

In case of memorials of annuities granted previously to the 17 & 18 Vict. c. 90., when the annuity has been satisfied, it is usual for the grantor to send a note in writing addressed to the clerk of enrolments in Chancery, signed by the grantee, authorizing him to enter satisfaction to the annuity, which is done accordingly. The note is not enrolled, but retained in the office.

The duties and authorities which, if the 5 & 6 Vict. c. 103. had not been passed, could have been performed and exercised by the six clerks as comptrollers of the hanaper and riding clerk, are to collect the warrants and commissions, receive the fees from the clerk of the Crown, enrol the warrants and commissions, and deposit them in the Petty Bag Office.

Finally, it is the duty of the clerk of enrolments to pay all fees received in the office into the Bank of England, in the name of the Accountant-General, to the credit of the Suitors' Fee Fund.

The foregoing shows the nature and extent of the duties performed by me in the Enrolment Office. In these duties I am assisted by four clerks (their present number), being the officers under me. The duties performed by the two senior clerks, is to receive deeds and instruments tendered for enrolment, and to examine them (in the first instance) as to the due observance of formalities, and the sufficiency of the stamps; to receive fees, pay the writers, and keep the accounts, and to keep the index.

The duty of the two junior clerks is, principally, to examine the record with the original instruments.

2. *The Statutes, warrants, orders, or other authority by which such duties are imposed or regulated.*

Statutes.

5 & 6 Vict. c. 103., creating the office of clerk of enrolments.

9 Geo. II. c. 36. - }
24 Vict. c. 9. - } Mortmain Act and Charitable Uses Acts.
25 Vict. c. 17. - }

27 Hen. VIII. c. 16. }
43 Geo. III. c. 108. } Enrolment of Bargains and Sales.

29 Car. II. c. 3. - Recognizances.

3 & 4 Wm. IV. c. 74. Fines and recoveries.

1 Vict. c. 20. - - Annexation and endowment deeds.

1 Vict. c. 73. - - Act for enabling Her Majesty to confer certain powers on trading and other Companies.

3 & 4 Vict. c. 60. }
ss. 2. 3. 17. - - } Church Building Acts.

58 Geo. III. c. 45. }
ss. 34. 36. 37. 72. } Ditto.

4 & 5 Vict. c. 38. }
ss. 10. 16. - - } School sites.

7 & 8 Vict. c. 66. - Certificates of naturalization.

17 & 18 Vict. c. 112. }
s. 14. - - } Institutions for the promotion of literature.

Orders.

28th November 1743.
14th December 1842, under 5 & 6 Vict. c. 103.
General consolidated orders of High Court of Chancery.
Preliminary order, Art. 4.
Order I. Rules 39, 40, 41.
„ IV. „
„ XLII. Rule 14.
The practice of the office.

3. *The changes, if any, in the nature and extent of the duties to be performed by each of such officers since his appointment.*

With the exception of the change before referred to, consequential upon the passing of the Charitable Uses Acts, no change in the nature or extent of the duties to be performed by either of the officers here referred to, has taken place since his appointment.

4. *The statutable or other authority under which each appointment in the office was made, and the person in whom the right of appointment is vested.*

The appointment of the clerk of enrolments was made by the authority of the 5 & 6 Vict. c. 103., and the right of appointment is vested in the Master of the Rolls.

The appointment of the clerks of the clerk of enrolments was made by the authority of the same Statute; and the right of appointment is vested in the clerk of enrolments.

I have the honour, &c.
(Signed) E. GRUBB,
Clerk of Enrolments.

To H. R. Vaughan Johnson, Esq.,
Secretary.

II. 9. The RETURN of the CLERKS of RECORDS and WRITS of the HIGH COURT of CHANCERY in ENGLAND, made in pursuance of the Direction of HER MAJESTY'S COMMISSIONERS "for inquiring into the "SUPERIOR COURTS of COMMON LAW and the "COURTS of CHANCERY in ENGLAND and IRELAND."

I. Return in pursuance of requisitions Nos. 1 and 2 as to *the nature and extent of the duties performed by the Clerks of Records and Writs and each Officer under them in the Office of the Clerks of Records and Writs*, and *the Statutes, Warrants, Orders, or other Authority by which such duties are imposed or regulated.*

There are three departments in the Office of Clerks of Records and Writs.

1. The record and writ department, constituted by the statute of the 5th and 6th Victoria, cap. 103., on the abolishing of the Six Clerks Office.

2. The Report Office department, the duties of which were transferred to the Clerks of Records and Writs by the statute of the 18th and 19th Victoria, cap. 134., and an order of Court dated the 25th August 1855.

3. The depository of the deeds, books, documents, and papers belonging to the suitors in the Court of Chancery, which had been under the custody of the Masters in Ordinary, and which were transferred to the custody of the Clerks of Records and Writs by the Statute of the 23 & 24 Vict. cap. 149. s. 9.

This portion of the return will therefore be made under three heads, as follows:—

1. The Record and Writ Department.
2. The Report Office Department.
3. The Depository of Deeds, &c. Department.

1.—RECORD and WRIT DEPARTMENT.

This department of the office is so constituted that the nature and extent of the duties performed by any one of the three Clerks of Records and Writs, or any of their clerks individually, cannot be defined, as they are respectively assistant to each other.

For the sake of convenience and despatch, the business is conducted under three divisions (the nature of the business in each being the same), viz.,

Mr. Bedwell's division being from A. to F.
Mr. Murray's „ „ from G. to N.
Mr. Ward's „ „ from O. to Z.

Each Clerk of Records and Writs has five clerks attached to his particular division.

There is also a messenger attached to the office and an office keeper.

There is a stationer attached to each division, and as many writers as may from time to time be considered necessary for the proper despatch of business; at present there are 23 employed in the three divisions. The stationers and writers are not officers of the Court, and have no salaries, but are paid for the writing, examining, and counting by the folio.

The nature of the duties devolving upon the Clerks of Records and Writs personally and independent of their

clerks consists of the following particulars in the Record and Writ department.

1. They have the custody of all the records from the year 1800 downwards, and are responsible for the due performance of the duties of the office.
2. They administer oaths and take affirmations in causes and matters in Chancery and Bankruptcy and other matters, and take statutory declarations, and sign exhibits to such affidavits, affirmations, and declarations.
3. They attend upon invalids at their residences to administer oaths and take affirmations and declarations when required so to do.
4. They administer oaths and take affirmations, declarations, and acknowledgments of deeds in the Enrolment Office in the absence of the Clerk of Enrolments, and they act as Deputies to the Clerk of Enrolments during the long vacation, or his absence from illness or other reasonable cause.
5. They sign all certificates.
6. They sign office copies of pleadings after examining them so as to ascertain as far as possible that they are properly written.
7. They examine enrolments and exemplifications with the records, and certify the same before their being presented to the Lord Chancellor or Master of the Rolls for signature.
8. They attend the Judges of the Court on questions of practice and otherwise, and prepare and sign certificates as to the practice of the Court when required so to do.
9. They check the accounts of the stationers and writers employed in the office for office and other copies made, examined, and counted by them, and pay them weekly for the work done.

They make affidavit as to the amount paid, and receive it back periodically from the Accountant General out of the Suitors' Fee Fund.

The nature of the general duties devolving on the Clerks of Records and Writs and their clerks in this department of the office consists of the following particulars:—

1. To file bills, informations, special cases, administration and other summonses, petitions of right, answers and all other pleadings and depositions of witnesses, and affidavits, and to enter same in the cause books.
2. To seal copies of bills and interrogatories and summonses for service.
3. To seal all writs issuable out of the Court of Chancery, after ascertaining that the writ presented for sealing is in proper form, and that the party presenting it is according to the course and practice of the Court entitled to sue out the same.
4. To file returns to writs issued out of the office.
5. To receive instructions for amending, and to amend bills, informations, special cases, interrogatories, and summonses, and other records.
6. To enter appearances to bills and all other proceedings where appearances are required, and to file precipes for same.
7. To prepare certificates for setting down causes and other purposes.
8. To examine docquets of enrolment with the record.
9. To receive instructions for office copies of documents filed in the office, and to mark and seal such copies, when made, as office copies; to deliver same to parties who have bespoken them.
10. To take in receivers' books and files of proceedings under the Joint Stock Companies Winding-up Acts when completed, and entering the same in the index.
11. To receive instructions for the printing of evidence to be used on the hearing of the cause, instructing the printer thereupon, and when evidence printed, marking and delivering out office copies thereof, upon application being made for the same.
12. To receive documents ordered to be deposited with Clerks of Records and Writs, making entry of the deposit, and attending upon parties requiring and entitled to inspection thereof; also to attend in like manner upon inspections of records.
13. To receive instructions for searches for records and affidavits, and to make such search, and to superintend the inspection thereof.
14. To attend in the Court of Chancery and its offices with records and documents filed or deposited with the Clerks of Records and Writs.
15. The like in Courts of Law in London and elsewhere, pursuant to special order of Court.
16. To enter memorandum of service of copy of bill, pursuant to order, and preparing certificate of such entry.
17. To enter memorandum of service of notice of decree upon parties directed to be served therewith.
18. To receive caveats against the enrolment of decrees and orders, and to enter same in the books kept for that purpose, and when docquet of enrolment afterwards presented in any such case, to send notice of the presentation of the docquet to the party who has entered the caveat.
19. To receive bonds for security of costs ordered to be deposited with the Clerks of Records and Writs; to enter same in the cause books; also to deliver out same when so ordered.
20. To enter in the cause books (from books transmitted from the Registrar's and report offices) a memorandum of the date of every decree, order, and report made in causes, and generally to make such other entries in the cause books as may be necessary for the purpose of certifying the state of any cause.
21. To keep a daily list of the business done, and therefrom to enter the particulars of such business into the book from which the returns to Parliament, to the Home Office, and for the Judges are made out, and to prepare such returns.
22. To index, arrange, and keep in proper condition and readily accessible all the records and affidavits filed and documents deposited with the Clerks of Records and Writs for safe custody.

Before filing any proceeding, issuing any writ, or delivering out any copy it is the duty of the clerks to see that all proper and usual forms have been complied with, and that stamps to a proper amount are affixed to the documents, and to cancel such stamps. It is their duty also to refer to the Clerks of Records and Writs on the occurrence of any doubt or difficulty which may occur in the execution of their duties.

In the performance of the duties above mentioned the clerks in each division are mutually assistant to each other, that is to say, there is no rule in operation requiring that any one clerk shall limit his attention to particular duties; there is, nevertheless, a recognized seniority of position accruing from length of service and official experience, and consequently the salaries vary in amount; and there is also an *understood* arrangement as to particular duties, acted on so far as is compatible with the due dispatch of the business generally.

The duties of the messenger and office keeper are the same as those performed by officers of the like description in all public offices.

Extent of Duties.

The office is open on every day in the year, except Sundays, Christmas-day, Good Friday, Monday and Tuesday in Easter week, and all days appointed by proclamation to be observed as days of general fast, humiliation, or thanksgiving, and any other day on which the Lord Chancellor may by special order direct the same to be closed.

The hours of attendance are from 10 till 4, except in the vacations, and then from 11 till 1, when one of the Clerks of Records and Writs and a sufficient number of clerks for the performance of vacation duties attend regularly.

One of the Clerks of Records and Writs is also in attendance from 11 till 3 during the periods of the vacation when the Accountant General's Office is open for payment of money or dividends.

The extent of the duties performed, so far as any record of them is kept, will appear from the following table made out from the official returns for the year ending 28th October 1862.

Number of bills filed	2,375
Copies of bills sealed for service	6,223
Special cases filed	17
Copies of administration and other summonses sealed for service	694
Appearances entered	4,774
Copies of interrogatories examined and sealed for service	2,175
Office copies of answers sealed	1,605
Bills amended	519
Writs sealed	1,890
Certificates prepared and signed	1,692
Searches for and inspections of records, exhibits, and affidavits	1,231
Caveats against enrolment of decrees and orders	114
Enrolments	82
Attendances in Courts of Law and Equity	102
Oaths, affirmations, and declarations administered and taken, to which stamps affixed	9,331
Affidavits of life, &c., for the Accountant General. Affidavits in lunacy and under the Joint	

COURT OF CHANCERY IN ENGLAND.

Returns as to Duties and Appointment of Officers.

Record and Writ Clerk's Office.

Stock Company's Winding-up Acts, amounting to several thousands in the year, but of which no account is kept, there being no stamps affixed, are taken by the Clerks of Records and Writs.

The number of exhibits signed by the Clerks of Records and Writs amount to many thousands in the year, but they being free from stamps no account is kept of them.

Affidavits filed		45,570
Office copies of affidavits made	folios	470,534
Other office copies	„	40,305
Copies of evidence examined for printer	„	23,687
Total amount of stamps cancelled	£	22,726 2s. 7d.

The duties of this department are imposed and regulated by

The Statute 5 & 6 Vict. c. 103.,
The Statute 15 & 16 Vict. c. 86.,
The Statute 15 & 16 Vict. c. 87.,
By the General Orders of the Court;
And by the ancient practice of the Court as it existed before the establishment of the office of Clerks of Records and Writs, and so far as it is not repealed by Statute or General Orders.

2.—REPORT OFFICE DEPARTMENT.

The Clerks of Records and Writs have the custody of the Registrars' books, which contain the entries of all the orders of the Court from the year 1751 downwards, and of the reports and all other documents filed in the office. They have also the general superintendence, direction, and control of the office and the clerks attached to it.

The Clerks of Records and Writs sign all office copies of orders, and it is their duty to see that they are fairly and properly copied.

There are six clerks attached to this department, viz.:—
First and second clerks of reports.
Accountant General's certificate clerk.
Search clerk.
Two assistant clerks and messengers.

There is also a stationer and five writers who are not officers of the Court, and have no salaries, but are paid for writing and examining according to the work done.

The nature and extent of the duties of the clerks will appear from the following table.

First and Second Clerks of Reports.

The duties of these officers are as follows:—

To file, endorse, and enter in a journal, and index the date of the filing, the title of the suit, and the date of the following documents:—
Reports and exceptions.
Certificates of the chief clerk, petitions, submissions to arbitration and awards made, orders of Court, and admissions.
Elections.
Cases for the opinion of another Court, and the opinions.
Endorsements to certificates.
Statements.
Schemes, agreements to compromise, consents to act as trustee, and other documents.
The number of these documents filed during the twelve months ending November 1st, 1862, was 7,763

To receive directions for office copies, enter them in a journal, and to mark and stamp the office copies when made.
The number of these copies made during the above period was 5,511
Comprising folios 116,104

Accountant General's Certificate Clerk.

The duties of this officer are as follows:—

To endorse, arrange, and keep in alphabetical order the Accountant General's certificates.
The number of these certificates endorsed and arranged during the twelve months ending November 1st, 1862, was about 14,950

To receive directions for office copies of Accountant General's certificates, enter them in a journal, and to mark and stamp the office copies when made.
The number of these copies made during the above-mentioned period was 4,325

Search Clerk.

The duties of this officer are as follows:—

To receive directions for office copies of decrees and orders, to enter them in the order book, and to mark the office copies when made.
The number of these copies made during the twelve months ending November 1st, 1862, was 2,544

To make the calendar of reports, certificates, and other documents mentioned above.

To arrange and keep in alphabetical order the books of entries of decrees and orders, and all the documents filed in the report office, and the indexes and calendars of the same, and to produce them at all times during office hours to any one applying to search.

First and Second Assistant Clerks and Messengers.

The duties of these officers are,—

To assist the Search Clerk in the performance of his duties, and to attend the Courts and its officers with books and records when required.

The total number of folios copied in the Report Office during the twelve months ending November 1st, 1862, was 140,104

The days and hours of attendance are the same as in the Record and Writ department.

The duties of this department are imposed and regulated by

The Statute of the 18th & 19th Vict. c. 134.,
The Order of Court dated 25th August 1855, and
The General Rules and Orders of the Court.

3.—DEPOSITORY OF DEEDS, &c. DEPARTMENT.

The Clerks of Records and Writs have the custody of the deeds, books, papers, and documents formerly in the custody of the Masters in Ordinary, and William Worden, as their officer, has the care of them at the offices in Southampton Buildings. All applications for inspection of these documents are made to the Clerks of Records and Writs, whose duty it is to consider and determine the right of parties applying for inspection to inspect the same, and to give directions accordingly in writing to the office-keeper.

The duty of the office-keeper is to keep the deeds, &c. in proper order, to attend parties making searches, and also to produce such as may be required, in Court or elsewhere, under the directions of the Clerks of Records and Writs.

These deeds, papers, and documents have been accumulating since the reign of Charles the Second, and are of incalculable number.

The duties of this department are imposed and regulated by

The Statute of the 23 & 24 Vict. c. 149. s. 9., and by the general practice of the Court in respect of these deeds and documents as it existed when under the control of the Masters in Ordinary.

II. Return in pursuance of the Requisition No. 3 of the *changes in the nature or extent of the duties to be performed by each of such officers since his appointment.*

For the reasons stated under the previous head there have been no changes affecting any individual officer in the Record and Writ department.

The changes in the general duties of the officers have been considerable.

The first great change was effected by the Statute of the 15 & 16 Vict. c. 87., by which the duties of the Affidavit Office and the Subpœna Office were transferred to the Clerks of Records and Writs, and by the 15 & 16 Vict. c. 86., by which printed Bills were substituted for written ones, and various other changes made in practice, which considerably added to the duties of the Clerks of Records and Writs and their clerks.

By the Statute of the 15 & 16 Vict. c. 87. stamps were substituted for money payments.

There were then four Clerks of Records and Writs, each of whom had three clerks, and the great increase of business induced the Master of the Rolls to allow each Clerk of Records and Writs to appoint an additional clerk, making 16 clerks instead of 12.

The next considerable change in the extent of the duties of the *present Clerks of Records and Writs* occurred in January 1855 on the death of the late Mr. Berrey. After conferring with the present Clerks of Records and Writs, and ascertaining from them that no inconvenience would accrue to the suitors, the Master of the Rolls determined not to fill up the vacancy thus created, and directed that the business of the Office should be conducted in three divisions instead of four, and that the Clerks in Mr. Berrey's division should be transferred to the remaining three clerks of Records and Writs.

There were then 16 clerks, and on the death of one the vacancy was not filled up, so that, as before stated, there are now five clerks in each division.

The next considerable addition to the duties of the Clerks of Records and Writs (not affecting their clerks) was occasioned by the transfer to them of the duties of the Report Office, which was effected by the Statute of the 18 & 19 Vict. c. 134., and the Order of Court of the 25th August 1855.

By the Act authorizing this transfer the Lord Chancellor was empowered to make such addition to the salaries of the present Clerks of Records and Writs as he should think fit, not exceeding 200*l.* per annum to each, and the then Lord Chancellor ordered the payment of such additional salary accordingly.

Changes are constantly taking place in the practice of the Court by General Orders, by which the duties of the Clerks of Records and Writs and their clerks are from time to time increased and varied, the principal of which, in addition to those above specified, are the substitution of printed for written answers, and the printing of evidence in certain cases.

On a representation being made to the Master of the Rolls of the increase of the duties of the clerks of the Clerks of Records and Writs, his Honour, in 1860, granted an increase to the salaries of some of them to the extent authorized by the Act of 5 & 6 Vict. c. 103. s. 9.

No change has taken place in the duties of the clerks in the Report Office department, except that, in consequence of an increase in the duties of the assistant clerk and messenger, the Lord Chancellor, Lord Chelmsford, on the representation of the Clerks of Records and Writs, appointed one in addition.

No change has occurred in the duties of the "Depository of Deeds" department since its transfer to the Clerks of Records and Writs.

III. Return of *the statutable or other authority under which each appointment in the office was made, and the person in whom the right of appointment is vested.*

The appointment of Mr. Bedwell and Mr. Ward, two of the Clerks of Records and Writs, was made by the Statute of the 5 & 6 Vict. c. 103. s. 4., and the appointment of Mr. Murray, the other Clerk of Records and Writs, was made by the present Master of the Rolls under the powers of the same Act, and the right of appointment of the Clerks of Records and Writs is by the same Act vested in the Master of the Rolls for the time being.

All the clerks of the Clerks of Records and Writs were appointed by them respectively under the authority of the same Statute, s. 9, and the right of appointment, as vacancies occur in their respective divisions, is by the same Statute and section vested in them respectively.

The messenger and office-keeper are appointed under the authority of the Statute 5 & 6 Vict. c. 103. s. 28., and the right of appointment to these offices is by the same Statute and section vested in the Master of the Rolls for the time being.

The clerks in the Report Office department were appointed under the authority of the Statute of the 18 & 19 Vict. c. 134., and the right of appointment as vacancies occur is by the same Statute vested in the Lord Chancellor for the time being.

The officer having the care of the deeds, books, documents, and papers in the "Depository Department" was appointed by the Statute 23 & 24 Vict. c. 149. s. 9., and the right of appointment is by the same Statute and section vested in the Master of the Rolls for the time being.

(Signed) FREDK. BEDWELL.
JAMES A. MURRAY.
SETH CHARLES WARD.

II. 10. STATEMENT on the Part of the ACCOUNTANT-GENERAL of the COURT OF CHANCERY as to the Constitution of his Department of the Court.

A.-G. Office, Chancery Lane,
SIR, Dec. 23, 1862.

I beg to transmit for the information of Her Majesty's Commissioners a return which I trust will satisfy the requirements expressed in your letter to me of the 11th of November. I have to observe that as this department now is and has for some time past been the subject of a special Commission of inquiry, I have considered a statement prepared by me for the purposes of that Commission might, although perhaps more full than would seem to be required, be available for the use of the Commissioners for inquiry into the Superior Courts, and satisfy their requirements.

I have, &c.
H. R. V. Johnson, Esq. (Signed) WM. RUSSELL.

1. The office of Accountant-General of the Court of Chancery was instituted in 1726 by the Act 12 George I. cap. 32., for the purpose of "doing all such matters and things "relating to the delivery of the suitors' money and effects "into the Bank, and taking them out of the Bank, and the "keeping the accounts with the Bank, and all other "matters relating thereto, as in and by the orders recited "in the same Act had been directed to be done by the "masters and usher of the court." Previously to the institution of the office the money and effects of the suitors were deposited with the masters, but owing to the inability of some of them to obey the orders of the court with respect to such money and effects, an inquiry was directed. A considerable deficiency was discovered, and for the future each master was ordered to keep the suitors' money and effects deposited with him in a chest at the Bank of England. A plan was also devised by which such chests were not to be opened except in the presence of two other persons besides the master to whom the chest belonged. The necessity of having so many persons present at every opening of the master's chests was found to be very inconvenient, and an order was made (26 May 1725) which directed that the money and effects of the suitors should to taken from the chests and given into the custody of the Bank. An account was to be kept at the Bank and also at the Report Office *causewise*, and every dealing with the suitors' money was to be certified to the Report Office. By another order (4 November 1725) the plan was extended to the usher of the court. These two orders are embodied in the before-mentioned Act, under which on the 29th June 1726 the first Accountant-General was appointed. An account is directed to be kept in his name with the Bank of England in the same manner as directed by the said orders; and the rules, methods, and directions therein prescribed are to be observed. The business of the office is therefore to issue such cheques, directions, and certificates as may be necessary to enable the Bank of England to carry into effect the provisions of the various orders of the court with respect to the suitors' money and effects, and also to keep such correct accounts of the transactions which have taken place in each individual cause and matter that the court may be at any time informed of the exact amount of the money and effects belonging to it, and may thus be able to make such orders as may be necessary for the disposal of them.

2. The number of distinct and separate accounts in the Accountant-General's books in 1726 was 415, and involved the sum of 152,037*l.* 4*s.* 6*d.* cash, and 589,553*l* 14*s.* stocks and securities; on the 1st October 1860, the number of accounts was 22,757, having upon them the sum of 2,821,067*l.* 8*s.* 8*d.* cash, and 51,709,106*l.* 7*s.* 11*d.* stocks and securities. The progressive increase of the number of accounts in the Accountant-General's books, and of the amount of the funds standing in his name on the 1st of October of each year from 1726 to 1859 will be found stated in the report of the Commissioners on the proposed Concentration of the Courts (pages 105 to 107 inclusive).

3. For each of the 22,757 accounts there is a separate opening in the ledgers of the office; they are kept as distinct as a banker would keep the accounts of his customers, and every transaction must have reference to and be recorded in some one or other of these accounts. They are headed with the short title of the cause or matter to which they belong, and every order dealing with funds in court must describe them as standing to the credit of the account exactly as it is entitled in the Accountant-General's books. A counterpart of each of these accounts is contained in the ledgers kept at the Chancery Office of the Bank of England, and every cheque or certificate issued from the office of the Accountant-General contains either the whole title of the account to which it relates, or such an abbreviation of the title as can only belong to that particular account, in order that the Bank may enter the transaction properly in their books, and so that the balance of stock and cash on the various accounts in the books of the Chancery Office at the Bank may correspond with those of the Accountant-General.

4. The Accountant-General is prohibited by the before-mentioned Act of Parliament from meddling with the actual receipt of any of the money or effects of the suitors; they are to be delivered to the Bank of England. The cash forms one common and general cash for the Accountant-General to draw upon, and the various stocks stand in his name in trust to attend the orders of the court. The payment of the Accountant-General's cheques and the various dealings with the stocks and securities standing in his name there form part of the general business of the Bank of England, but the necessity (imposed by the Act of Parliament) of entering every transaction to the proper account at the Chancery Office at the Bank makes it necessary that the cheques and certificates authorizing such payments

and dealings should be previously examined at that office, in order that it may be known that there is cash and stock enough to the credit of the particular account to enable such payment or transfer to take place. The keeping the accounts in this manner at the Bank of England has contributed very much to the accuracy of the Accountant-General's Office, and if it be borne in mind that, in order to do so, it is absolutely essential to inform the Bank of every transaction in relation to the particular account to which it has reference, it may explain some things in the practice of the office which might otherwise appear mere useless routine.

5. For the better dispatch of the business of the office it is divided into four divisions, each of the divisions having a portion of the above-mentioned 22,757 accounts regulated according to the letters of the alphabet. Thus, in the 1st division are the accounts of all causes and matters of which the plaintiff's name in a cause or the first substantive word in a matter, begins with either of the letters A. to C. In the 2nd division are those from D. to J.; in the 3rd from K. to Q.; and in the 4th from R. to Z. Each division has a principal or 1st clerk, and a 2nd, 3rd, 4th, 5th, 6th, 7th, and 8th clerk, and the work is so distributed among them that to the same seat in each division the same duties are assigned. Owing to the suitors' fund and suitors' fee fund accounts, which occasion a great number of payments for salaries, compensations, &c., being kept in the 4th division, an additional or 9th clerk is attached to it, and the arrangement of the duties is somewhat, although in the upper seats not materially, different from that of the other divisions.

6. The first four clerks in each division attend upon the public, taking in from them the orders of the court and other documents, such as certificates of the judges' chief clerks and of the taxing masters, which may be necessary to authorize the various operations required to be performed. They also make out the cheques and certificates which are requisite to carry out these operations, and they deliver the cheques to the persons entitled to receive them. There is a standing order book in each division in which is a detailed statement of the work, signed by the Accountant-General, showing precisely what duties belong to each seat; so that each clerk may know exactly what part of the work he has to do (a copy of this statement is appended). It is so arranged that each of the first four clerks does (at least as regards the public) the whole of some kind of work prominently characteristic of his seat, and much trouble is thereby saved to the public as well as to the office. Thus the principal clerk takes in the orders for and delivers to the parties all the cheques for principal money. The second clerk takes in orders for the sale and transfer out of court of stock, for payments of interest money and first payment of regular dividend drafts, and for carryings over of funds from one account to another, and requests for powers of attorney. The third clerk pays all the regular dividend drafts after the first payment, and the fourth clerk takes in orders for purchases of stock, and for directions to pay in cash, and also answers such questions as to the past or present state of any account as the ledgers in use enable him to do. The work of the remaining four clerks in each division is chiefly, though not entirely, confined to keeping the accounts. There is also among these some kind of duty peculiarly distinctive of each seat. Thus, the fifth clerk keeps the ledgers, the sixth the receipt journal, the seventh the payment journal, and the eighth the direction book. They also make out transcripts of the accounts and certificates of fund when required for the information of the Court, and certificates of the various transactions having taken place to be filed at the Report Office as directed by the Act of Parliament under which the office is established.

7. The standing order book also contains such rules and regulations of the Accountant-General and his predecessors as experience has shown to be best to adopt in carrying on the business of the office. The time of the attendance of the clerks is fixed and a time-book kept in each division, in which each clerk daily signs his name. These books are marked by the chief clerk every morning, so as to show whether any clerk is absent at the time fixed for his attendance, and the books are then laid before the Accountant-General. The fact of the absence of any clerk from his duties is thus necessarily brought before him, and he is enabled to make inquiries respecting the cause of such absence, and to give what directions he may think fit.

8. The principal clerk in each division, in addition to his other duties, exercises a general superintendence and control over his division, and is expected to see that the work is efficiently performed. Both he and the second clerk of each division daily attend upon the Accountant-General with the cheques and other papers which require his signature. There are therefore ample opportunities of bringing under his notice anything which may occur in the shape of complaint on the part of the public as to the operation of particular rules of the office, and of taking his directions as to dispensing with such rules under the circumstances of the particular case.

9. The first or chief clerk of the office has a department to himself not attached to any particular division, but in connexion with the whole of them. He is assisted by one of the junior clerks. The whole establishment therefore consists of 35 clerks, viz., eight in each of three of the divisions, nine in the remaining division, and two in the chief clerk's room. Their salaries are as under:—

	£
The chief clerk and the four principal clerks	800 each.
The four second clerks	510 ,,
The four third clerks	340 ,,
The four fourth clerks	250 ,,
The four fifth clerks	190 ,,
The four sixth clerks	150 ,,
The four seventh clerks	120 ,,
And the remaining six clerks	100 ,,

No fee or gratuity of any kind is allowed to be taken in the office, the clerks being prohibited from doing so by the Act 15 & 16 Vict. c. 87. s. 3.

10. The present Accountant-General's salary as recently regulated by Act of Parliament is 4,200*l.* a year. Previously to the passing of the 15 & 16 Vict. c. 87. he received a salary of 1,500*l.* a year (viz., 600*l.* as one of the Masters of the Court, and 900*l.* as the Accountant-General), and three-fifths of the brokerage on all purchases and sales of stock in his office. By the last-mentioned Act the brokerage to be received by the Accountant-General is directed to be paid into court to the credit of the suitors' fee fund account: this is effected by the Accountant-General's signing from time to time a direction for the broker to pay in to the fee fund account such sums as he states to be in his hands in respect of such three-fifths. In lieu of such brokerage the yearly salary of 2,700*l.* is directed to be paid to the Accountant-General. The Accountant-General has no deputy. Every cheque or other document requiring his signature must be signed by him personally, he having no power to authorize any one to act for him. The Accountant-General's attendance is therefore of necessity daily, excepting during vacations.

11. The operations which have to be performed with reference to the suitors' money and effects may be conveniently arranged in the following order:—

Paying money and transferring stock into court;
Carrying over from one account to another and purchasing and selling stock;
Transferring stock and paying money out of court.

12. The process in detail in each of these operations is as under:—

1st. Payment of Money into Court.

13. This may be done either under the authority of an order of the court or of an Act of Parliament, such as the Lands Clauses Act and the various Railway and Public Improvement Acts, Burial Acts, Estate Acts, the Infant Legatees Act, the Trustees Relief Act, the Copyhold Acts, and the Parliamentary Deposits Act. If it be a payment in under an order of the court, no request of the solicitor is required, but the order itself or an official copy of it is left, and also such other papers, as certificates of the judge's clerk and affidavits, as may be necessary to ascertain the amount, if it be not specified in the order. If the payment in be under an Act of Parliament, a request from the solicitor is required, except in one or two cases in which some other evidence is directed to be taken by the Act itself. The request must set forth the name of the person to pay in, the amount to be paid in, the title of the account to which it is to be placed, and such other particulars as may be necessary to show that the case comes within the Act. The necessary papers having been left at the office, the clerk whose duty it is, proceeds to fill up a "direction to pay in," (Form A 1), specifying the date of the order and other papers, if any, or title of the Act; the sum to be paid in, the person to pay in the same, and the title of the cause, matter, or account to the credit of which it is to be placed. This direction is examined by another clerk, and entered in a book called the direction book, and the folio of the book where the entry is made put at the top of the "direction." The order or act and other papers, if any, are taken with the direction to the Accountant-General by the second clerk, and the papers so far as they affect the payment in are read over, the Accountant-General signs the direction, and it is then laid by to await the solicitor's application for it. Upon lodging this direction at the General Cash Book Office of the Bank of England the proper officer there receives the money and gives a receipt for it. This receipt has afterwards to be signed by a cashier, and upon it is an intimation that it is to be taken to the Accountant-General's office im-

mediately. The direction is retained by the Bank and sent into the Chancery Office there, in order that an entry of the receipt of the money may be made and the proper account credited therewith.

14. As soon as the receipt is lodged at the Accountant-General's Office a certificate of the money having been paid in (Form A 2) referring to the receipt as the authority is annexed to it; these are compared and laid before the Accountant-General, and the certificate is signed by him. The certificate, with the receipt annexed, is filed at the Report Office, and thus becomes an official record of the payment into court. The date of the payment in, the name of the cashier, and the date of filing are entered in the margin of the direction book opposite the entry of the direction. The giving credit in the proper account for the money paid in does not at all depend upon the receipt reaching the Accountant-General's Office. In the afternoon of every day a paper technically called "the slip" is brought by one of the Bank messengers, containing an account of the several amounts paid in during the day, the titles of the various accounts in an abbreviated form, and the reference to the page of the direction book copied from the direction. By referring to the entry thus indicated the clerk who keeps the journal is able to ascertain all the particulars of the payment in so as to make the necessary entry of it as a cash receipt, and this is afterwards credited to the proper account in the ledger. It may here be stated that as a rule the posting of any transaction in the ledger is always made during the day succeeding that on which it takes place. The ledger and journal are carefully compared daily as soon as the posting is completed.

15. Deposits of Exchequer bills and bonds, or of boxes containing any tangible security, also require a direction from the Accountant-General, and the process gone through is exactly similar to that which has just been described.

2nd. Transfer of Stock into Court.

16. This is done under the authority either of an order of the Court, or of the Trustee Relief Act, or of the Act for making deposits on applications to Parliament for Railway, &c. Acts. The process gone through is as follows:—The order or such other documents as may be required are left with the chief clerk. A ticket (Form B 1) is drawn and signed by him stating the names of the parties to make the transfer, the amount, and description of the stock, and the title of the cause, matter, or account to which it is to be placed. The ticket and the order and other papers (if any) are then sent to the proper division of the office to which the cause, matter, or account will belong, and a certificate (Form B 2) is there made out containing all the particulars which are in the transfer ticket, and in addition, the date of the order and other papers, if any, or the title of the Act, under which the transfer is to be made. The transfer ticket is given to the solicitor upon his applying for it. It is taken by him to a stockbroker, who makes the necessary arrangements for transferring the stock into the name of the Accountant-General. The Accountant-General attends at the Bank of England or other place where the stock is transferred, and signs the book in which the acceptance of the stock is entered, and also a notification (Form B 3) addressed to the chief Accountant of the Bank of England of his having made the acceptance, of the amount and description of the stock accepted, and the title of the cause, matter, or account to which it is to be placed. This notification is taken to the Chancery Office at the Bank, and forms the authority for entering the amount accepted to the proper account there. A certificate of the amount so transferred in and accepted, signed by the proper officer, is sent up the same evening to the Accountant-General's Office. This certificate is annexed to the one taken as above mentioned previously to the transfer ticket being given to the solicitor. An entry is made in the journal of the transaction and credit given to the proper account in the ledger. The two certificates are examined by the chief clerk, laid before the Accountant-General for his signature to the one made in his office, and are afterwards filed at the Report Office.

17. It may be as well to observe that unless the notification above mentioned were sent to the Chancery Office of the Bank of England, there would be no entry there of the stock having been transferred in. It would merely stand to the Accountant-General's credit as a stockholder "in trust to attend the orders of the court," and the total amount of the particular stock in Court would appear from the books of the Chancery Office to be different from what it really was. It is understood that the balances of the different stocks appearing to be in court at the Bank Chancery Office are compared once a week with those actually in the Accountant-General's name in the books of the different stock offices, and any difference that may appear is immediately inquired into.

3rd. Carryings over from one Account to another.

18. These are the removal of the whole or part of a fund standing to one or more causes or accounts in the books of the Accountant-General to one or more other causes or accounts. They are made on the production by the solicitor of the order directing the transaction, and such other papers, if any, as may be necessary to verify the amount to be carried over.

19. The clerk receiving these papers prepares a certificate (Form C 1) stating the dates thereof, the sum or sums of money or stock to be carried over, and the causes or accounts from and to which such money or stock is to be carried over. He compares this with the ledger account from which the carrying over is to be made as to sums, title of account, and previous appropriation of the fund (if any), and also takes care to see whether the account to which the carrying over is to be made is already open or not in order that if there be only a slight difference in the title the solicitor may be consulted as to whether the court intended a new account to be opened, and if it did not, he is requested to see the Registrar upon the subject. When this question is settled the certificate with the order, &c., is passed to another clerk for examination and then laid before the Accountant-General for signature. The papers so far as they relate to the carrying over are read over to him and he signs the direction for it, and also puts his initials to the sums to be carried over drawn out in the margin of the order. The copy of the order so marked with his initials in respect of this and other transactions under it forms a sort of record of what has been done in pursuance of the order from time to time. The certificate is then entered in the direction book dated for the next day, and then sent to the Chancery Office at the Bank. The proper entries are made in the books there, and a certificate signed by the proper officer of the carrying over having been effected is sent to the Accountant-General's Office. Another certificate (Form C 2) for the Accountant-General to sign is then made out and annexed to the Bank certificate. The two certificates are taken to the chief clerk, compared by him, and laid before the Accountant-General for his signature to the one prepared in his office. They are then filed at the Report Office. An entry is made in the margin of the direction book of the name of the officer signing the Bank certificate and the date of filing. The transaction is journalized from the entry in the direction book, and then posted in the ledger as a debit to the account from which, and a credit to that to which, the carrying over is made and the whole operation is complete.

4th. Purchases of Stock.

20. Investments of money in the purchase of stock are made by the Accountant-General in obedience to orders of court at the written request of a solicitor. Money is also invested without request if paid in under the Act 36 Geo. III. (the Infant Legatees Act), pursuant to provisions contained in the Act itself, and also when paid in under the Trustees Relief Act (provided there be no request to the contrary in the affidavit which is necessary under the latter Act) pursuant to a general order of the court. The dividends arising from the stock purchased under both these Acts are laid out from time to time by the Accountant-General without any request from the solicitor, pursuant to general orders of the court made in May 1852, and the dividends arising from stock purchased under an order of the court are also laid out from time to time, when there is a direction to do so in the order, without the request of the solicitor, if on bespeaking the investment of the principal money he adds some words to express that he wishes the dividends as they accrue to be invested.

21. If the investment be one that requires bespeaking, the solicitor leaves with the Accountant-General's clerk the order directing it, and such other papers as may be required to verify the amount; such as a certificate of the judge's clerk or of the taxing master, or an affidavit, and also a request (Form D 1), stating the amount of cash to be invested, the cause or account on which it stands, the description of stock to be bought, and the title of the cause or account to which the stock when bought is to be placed. This request is carefully examined with the order and ledger; and the amount of cash, the description of stock, and the cause or account to which the stock is to be placed are written down as a commission for the broker. A cheque is then drawn, entitled in the cause or account on which the cash stands, and made payable to the broker "on his causing" the stock to be transferred to the Accountant-General's account, in trust in the cause or account to which the stock is directed by the order to be placed. The order and other papers, with the request and cheque, are handed to another clerk for examination and the commission is given to the broker the next morning. The broker sends up in the afternoon a contract note for the

next stock-day, which will not be less than two or more than six days from the day that the commission is given. This note contains the title of the cause or account as given in the commission paper, the amount and description of stock purchased, the price and brokerage, and amount of cash invested, and the date for which the investment is made. The note is carefully checked as to the calculations and examined with the request. The amount of stock is filled into a blank left for it in the purchase cheque and the whole of the papers are handed to the second clerk, who takes them to the Accountant-General and puts the cheque before him for signature. The part of the order directing the investment is read over to him; he signs the cheque and puts his initials in the margin of the order or certificate against the amount to be invested. The cheque and order are then taken to the Registrar, who countersigns the cheque and puts his initials also in the margin of the order or certificate. An entry is made of the cheque in the purchase receipt book, under the date for which the purchase is made, for the broker to sign by way of receipt, and the cheque is sent to the broker on the afternoon of the day before the day the purchase is made for, or given to him on the morning of that day. The contract note is taken to the chief clerk and the title of the cause or account and the amount and description of the stock purchased entered upon a list (Form D 2), which is a notification addressed to the chief accountant of the Bank of England of the several amounts of stock accepted arising from purchases. The Accountant-General attends at the Transfer Office and signs an acceptance of the stock, at the same time comparing the amount and the title of the cause or account with the entry on the list. When all the sums so entered have been accepted the list is signed by the Accountant-General, and is then taken to the Bank Chancery Office, and forms the authority there for crediting the various accounts with the sums which have been purchased. The cheque for the money has in the meantime been taken by the broker to the Bank Chancery Office for examination. If there be sufficient cash on the account out of which it is drawn, it is marked with the initials of a clerk there, and is then endorsed by the broker and taken to the General Cash Book Office, together with the stock receipt, showing that the stock for which the money is expressed to be paid has been transferred to the Accountant-General's account in trust as mentioned in the cheque. The condition of the cheque having been thus satisfied, it is cashed and an intimation to that effect put upon the Bank "slip" of cash paid during the day. The cheque goes into the Bank Chancery Office again the next morning, and an entry of the cash paid is made from it, and the account out of which it is drawn debited therewith. A certificate of the stock having been transferred to the Accountant-General is sent to his office, and another certificate (Form D 3), containing full particulars of the purchase and the authority under which it is done, is annexed to it. The latter certificate is examined by the chief clerk with the broker's note, the Accountant-General affixes his signature, and the certificates are filed at the Report Office. An entry of the particulars of the contract note of the purchase is made in the direction book under the date of the day it is done for. From this entry it is journalized in the receipt journal, and from the journal entry the account in the ledger is credited with the stock. From the entry, in the purchase receipt book, of the cheque given to the broker, the payment of the cash for the stock is entered in the cash payment journal, and the ledger account is debited with the amount so paid.

22. The investment of dividends without request under the General Orders of May 1852 and June 1853 has very much increased the business of the office, and must have proved highly beneficial to the suitors. Formerly dividends were not invested until they amounted to 40*l.* as the interest arising from the investment under that sum would not be sufficient to pay the expense of the investment. Now, however, the limit is reduced to 3*l.* 10*s.*, as the only expense is the brokerage, and the half-year's dividend on the stock purchased with that amount is just sufficient to meet the usual charge of one shilling for investing small sums. Books are kept containing the titles of those accounts on which the dividends are to be invested without request, and also such particulars as are necessary, in the absence of the order, to draw the purchase cheques for the broker. These cheques are drawn as soon after the dividend is received as the business of the office will permit; they are carefully examined with the ledger accounts, and a list is made out from them of the titles of the causes and accounts, the amount to be invested in each case, and the description of stock to be bought, as a commission paper for the broker. The rest of the process is as above described in the case of bespoken purchases, except that there is no order to be read to the Accountant-General. These regular investments now amount in number to more than 3,000 yearly.

5th. Sales of Stock.

23. Sales are made upon the production by the solicitor of an order of the court and a certificate of the Registrar, stating the amount of the stock to be sold or of the money to be raised, and frequently also certificates of the judges' clerks and of the taxing masters, and affidavits are required.

24. When a given sum of money is to be raised or a sum of stock to be sold, which sum is defined in the order, the case is comparatively simple. But if, as more frequently occurs, such a sum is to be raised as either alone or with a given sum is sufficient to pay one or more sums to be ascertained by certificates or affidavits, or where the execution of certain deeds is the condition of sale, the transaction involves considerable care in the examination and responsibility in the execution. The process gone through is, however, uniform, and is as follows:—The solicitor produces the order and other necessary papers and the certificate of the Registrar to one of the Accountant-General's clerks, who ascertains that there is a proper direction in the order to make the sale, and that the Registrar's certificate is drawn according to it and such other papers. He checks what calculations there may be, and makes up in the margin of the certificate a statement of the amount of stock to be sold or of the money to be raised. He then examines the papers with the account in the ledger as to title of account, amount, and description of stock, and ascertains that no previous appropriation of the stock has been made, and makes a memorandum on the account that a sale has been bespoken. The title of the account, description of stock, and amount to be sold or of money to be raised, as the case may be, are then entered on the commission paper for the broker to whom the Registrar's certificate is read on his attending at the office on the following morning. The Registrar's certificate is taken by him to the Chancery Office of the Bank for examination as to what amount of stock of the kind directed to be sold is standing on the cause or account mentioned in the certificate in the books kept there. The amount of stock is marked in the margin of the certificate with the initials of the clerk, and any difference there may be between the title of the account as it is expressed in the certificate and as it is in the Bank books is noted. The certificate is returned to the broker, and if he finds that the amount of stock so marked is sufficient to answer the commission given to him, he proceeds to make the sale. The contract note, which, as in the case of a purchase, is for a future day, is sent with the Registrar's certificate to the Accountant-General's office. It is there checked, and if correct is handed over with the certificate and order, and whatever other papers were left when the sale was bespoken, to the principal clerk. He writes in the margin of the order, opposite the direction to sell, a memorandum of the amount of stock sold and the money produced by the sale. The contract note and Registrar's certificate are then taken to the chief clerk, and a certificate (Form E 1) is made out in the nature of a notification to the Bank Chancery Office of the amount and description of stock sold, the dates of the order and other papers, the name of the Registrar signing the certificate, and the amount of money arising by the sale. This notification and the Registrar's certificate are kept by the chief clerk to be ready for the sale day; the contract note is returned to the division of the office it belongs to. On the sale day the notification of the sale and the money raised thereby are taken by the broker into the General Cash Book Office of the Bank, and a receipt, which is an echo of the notification, is given to him for the money. The receipt and the Registrar's certificate are taken to the Transfer Office and placed in the book in which the transfer of the stock, for the Accountant-General to sign, is entered. Before signing the transfer of the stock sold the Accountant-General sees the Bank receipt for the money arising by the sale, and also has the part of the Registrar's certificate directing the sale read over to him. Besides the entry in the book and the usual receipt for the money, the Accountant-General also signs the above-mentioned notification, which is taken back to the Cash Book Office. The amount arising from the sale is entered upon the "slip" as a cash receipt, and the "notification" is sent into the Bank Chancery Office, and becomes the authority for debiting the particular cause or account with the amount of stock sold, and crediting it with the money arising by the sale. In the meantime at the Accountant-General's Office the contract note has been entered in the direction book under the date the sale is done for. The entry contains full particulars of the sale and also the dates of the order and other papers, and the name of the Registrar who signed the certificate directing the sale to be made. From the entry in the direction book two entries are made in the journal, one of the amount of stock sold, and the other of the cash arising from the sale. The account in the ledger is debited and credited

accordingly. A certificate (Form E 2) is made out containing all the particulars of the sale and annexed to the receipt sent from the Bank. The certificate is afterwards compared with the contract note by the chief clerk, signed by the Accountant-General, and filed at the Report Office.

6th. Transfers of Stock out of Court.

25. These transfers are bespoken by producing at the Accountant-General's Office the orders of Court directing them and such other papers as may be necessary to ascertain the amount to be transferred, as certificates of the judges' clerk and affidavits, and also the Registrar's certificate directing the transfer as in case of sales. Sometimes they are simple, as a certain specified sum to one or more persons by name; sometimes they are complicated, as when the sums and persons are numerous, or when the residue of a given sum after certain sales directed to be made thereout is to be transferred, perhaps in certain proportions indicated in the order, and giving rise to a good deal of calculation; and sometimes they are conditional, as on the execution of deeds or proof of facts by certificate or affidavit. The process gone through is as follows:—A clerk examines the Registrar's certificate with the order and other papers produced, as in case of sales, and ascertains that the sum to be transferred, and the description of the stock and title of the cause or account, agree with the ledger, and he makes a memorandum upon the account that a transfer has been bespoken. He also investigates the liability of the fund to legacy or succession duty, and, if it should be liable, insists upon the production of the receipt, or a certificate from the Legacy Duty Office that the duty is paid before allowing the transfer to proceed, unless there be a provision in the order for the payment of the duty to the Receiver-General. The solicitor who bespeaks the transfer is required to write at the foot of the certificate the residences and descriptions of the parties to whom the transfer is to be made, and to sign his name as vouching for the correctness of such residence and description. The order and other papers, if any, and the Registrar's certificate are sent to the chief clerk for examination, and the certificate is then sent to the Chancery Office at the Bank to have, as in the case of a sale, the amount of stock appearing in the ledger of that office to be standing to the credit of the cause or account mentioned in the certificate written on it. The Bank clerk adds his initials, and notes any difference which there may be between the title of the account as it appears in his books and in the Registrar's certificate, and sends the certificate back to the Accountant-General's Office. A transfer ticket (Form F 1) is then drawn containing the title of the cause or account, the amount and description of the stock, and the names and addresses of the persons to whom the transfer is to be made, and then the ticket and certificate are passed to another clerk for examination. A certificate (Form F 2) is then made out, dated the day on which the transfer will be made, containing the dates of the order and other papers, the name of the Registrar signing the certificate directing the transfer, the amount and description of the stock, the title of the cause or account, and the names of the parties to whom the transfer is to be made. The Registrar's certificate and the transfer ticket are then sent to the chief clerk, and the title of the cause or account, the amount and description of the stock to be transferred, and the names of the parties to whom the transfer is to be made, are then entered upon a list (Form F 3), which contains all the transfers for that particular day belonging to the same division, and is (as in the case of purchases) in the form of a notification, addressed to the Chief Accountant of the Bank. The list is then sent into the proper division of the office to be examined with the certificates of transfer made out there as before mentioned. The transfer tickets and Registrar's certificates are taken by the broker to the Bank on the morning of the transfer day; the proper entries are made in the books there, and the Registrar's certificates are placed in the respective transfer books in which the entries are made, for the Accountant-General to sign.

26. At the time the Accountant-General signs the transfer book, the Registrar's certificate is read over to him, and the amount transferred is ticked-off in the transfer list. When all the transfers are signed, the list is looked through to see that none have escaped marking; the Accountant-General adds his signature, and the list is then taken to the Bank Chancery Office, and is the authority for debiting the various accounts with the sums transferred. At the Accountant-General's Office an entry in the journal of the transfers is made from the certificates before spoken of as having been taken from the Registrar's certificate, and as having been compared with the list of transfers sent into the Bank Chancery Office. From the journal entry the causes and accounts in the ledger are debited with the amount of stock transferred. The certificates of the transfers having been made are signed by the Accountant-General, and are then filed at the Report Office.

COURT OF CHANCERY IN ENGLAND.
Returns as to Duties and Appointment of Officers.
Office of the Accountant-General.

27. With respect to both sales and transfers, it may be remarked that the stock stands in the Accountant-General's name in trust to attend the orders of the Court. The Bank, however, never see the order of the Court directing the sale or transfer; the above-mentioned Act of the 12 George I. c. 32., directs that the certificate of the Registrar shall be a sufficient authority to the respective companies in whose books any stock may be so standing in the Accountant-General's name for allowing the sale or transfer to be made. The certificate being marked by the clerk in the Bank Chancery Office, with the amount of stock standing to the particular account, shows the clerk in the Transfer Office whether there is sufficient stock to make the intended sale or transfer; if not, of course the transaction would not be allowed to go on. The Accountant-General's duties with regard to sales and transfers are much more onerous. The order must be read through to see that the sale or transfer is one that can be properly made. There may be other charges imposed upon the fund by the order of equal priority with the proposed transaction, and some of these may be of unascertained amount; and it may therefore be doubtful whether the fund will be sufficient to meet all the charges upon it. In such a case either the transaction must be deferred until the amount of all the charges the fund has to bear has been ascertained, or some words must be introduced into the order to give the proposed sale or transfer priority. It often happens that the sale is a second sale during the time that another out of the same account is going on, or it may be a transfer of the residue, or a portion of the residue, after a sale for costs or legacy duty has been contracted for but not completed: in which cases the whole stock would be marked as standing on the account at the Bank Chancery Office; and unless great care were taken at the Accountant-General's Office in giving information to solicitors as to the amount contracted to be sold, and in examining and checking their affidavits of residue, there would be the danger of parting with a larger amount of stock than was actually standing to the credit of the particular account. The order may direct several sales or transfers or both out of the same fund, and these may be bespoken at different times, and by different solicitors, and consequently there may be several separate certificates issued by the Registrar relating to portions of the same fund. The certificate is marked at the Bank Chancery Office, with the amount of stock standing upon the account at the time it is sent to them, and nothing more is known at that office of the transaction until the notification arrives there from the Accountant-General of the sale or transfer having been effected. The order may contain other directions, such as carryings over to separate accounts or transfers to parties, which for some cause or other cannot be bespoken. The Bank know nothing of these directions; the only question for them is, whether the stock on the particular account dealt with is sufficient to meet the directions of the Registrar's certificate, and, if it is, the sale or transfer is allowed to take place.

7th. Payment of Money out of Court.

28. The order of the court and other necessary papers are produced by the solicitor to the senior or second clerk of the division in which the cause or account is, on which the cash to be dealt with stands, according as the cheque to be drawn is for principal money or for interest. The clerk looks over the papers and receives any explanation which, on such cursory inspection, may appear necessary.

29. As soon as the duty of attending to the public, who may apply for the cheques already prepared, and to the solicitors who come to bespeak other transactions, will allow, the order is carefully read through in order to understand the whole disposition of the fund; the ledger account is referred to to see that the amount of cash out of which the sum is directed to be paid is actually standing to the credit of the cause or account mentioned in the order, or rather was standing there at the date of the order, and if there has been any dealing with such amount the order directing such dealing has to be looked through to see whether or not its provisions in any way affect those of the order to be acted on. If upon such examination it should appear that there is any such defect or inaccuracy in the order as to make it necessary to communicate with the Registrar, in order to its alteration before it can be acted on, either the Accountant-General's clerks, or in some cases the Accountant-General personally, must communicate with that officer, but if there should not appear either in respect of the wording of the order or the state of the account, any reason to the contrary, a cheque is drawn entitled with the cause or account mentioned in the order and the amount of it in figures is put in the margin opposite to the directon to pay, unless the amount to be paid has been ascertained by the

judge's clerk or by the taxing master, in which cases the figures are put in the margin of the certificates issued by them. The cheque is then examined as to its title with the cause or account in the ledger, and the amount of it marked in pencil on the debit side to signify that a cheque has been drawn. The cheque, with the order and other papers, is then passed to another clerk for examination, and if found correct an entry is made of it in a receipt book for the party to whom it is made payable, or a person empowered by a special power of attorney from him, to sign. The entry in the receipt book contains full particulars of the cheque, and the folio of the book where the entry is made is put on the cheque. It is then given back with the order and other papers to the clerk who drew it, who lays it before the Accountant-General for signature. The order is read over to him, and the other papers, if any, determining the amount are referred to, and if he is satisfied that the cheque carries out the intention of the court, he puts his signature thereto, and also his initials in the margin of the order or certificate. The cheque is then put away in a box appropriated to that purpose under an alphabetical arrangement waiting for the application of the party entitled to it. The cheques are kept in iron safes in the respective divisions of the office, the first and second clerks only having the key. The party named in the cheque or a person duly empowered by him must come personally for it and sign the entry in the receipt book, and, if he has not already been identified, must get some solicitor known in the office to sign the receipt book also as a witness to his signature. The cheque is then dated and delivered to the party entitled to it, and taken with the order and other papers under which it is drawn to the signing Registrar, who countersigns it and puts his initials also to the amount drawn out as before mentioned in the margin of the order or certificate. If the cheque is paid under a power of attorney, the name of the person empowered is written on the back of the cheque with the words "attorney" by the clerk who pays it, who adds his initials to the name. This is done for the information of the Bank, as otherwise the indorsement of the person named in the cheque would be required. To get the cheque cashed it must first be taken to the Chancery Office at the Bank. It is there compared with the ledger account as to the title of the cause or matter out of which it is drawn, and as to there being cash enough on that cause or matter to meet it. If there should not be sufficient cash there, or if the title of the cheque does not agree with the title in the ledger, or if the title has been so abbreviated as to apply to more than one account, the cheque will be returned to the party to be corrected by the Accountant-General. If no error be discovered in it, it is marked with the initials of the Bank clerk who examines it, and given back to the party presenting it who is told to take it to an office (the General Cash Book Office) on the opposite side of the passage in which the Chancery Office is. It is there examined as to its endorsement, and the person presenting it has to write his name on the back. A ticket is then given for the amount of the cheque, payable either in notes or coin or both at the public drawing office, which is at some distance from the place of examination, and the person presenting the ticket for payment is requested to write his address on the back. A list for each division of the Accountant-General's Office containing the respective amounts of the different cheques paid during the day, with the folios of the receipt book copied from them, and a slight reference to the titles of the causes or accounts, is sent up each evening from the General Cash Book Office of the Bank. By means of this list, called the cash payment slip, a clerk in each division of the Accountant-General's Office makes an entry in the journal of the various sums paid during the day. He turns to each individual receipt in the receipt book as indicated by the slip, and observes whether it has been duly signed and witnessed. All the cheques paid out of the same account on the same day are put together and a total made of them. When the whole slip has been thus gone through, the journal is added up, and the total of the day's payments compared with the total of the slip, and if they do not agree the items are examined and the mistake discovered and rectified. From the journal entry the various accounts in the ledger are debited with the sums paid; the slips are kept for future reference.

30. Cheques for dividends and other periodical payments, as annuities and maintenance, after the first payment are drawn without bespeaking. They become regular interest cheques, and the production of the order is not required either by the Accountant-General or the Registrar. When the cheque for the first payment has been examined a model is made of it, containing full particulars, and showing the dates when the subsequent payments will become due. If there be a power of attorney to receive the continuing payments, the number of the power and the name of the attorney is written upon the model. The models are alphabetically arranged according to the causes and matters for the sake of easy reference. The regular interest cheques are drawn from these models, they are entered in receipt books like bespoken cheques, and are then examined with the models and ledger accounts by the senior and second clerks of the division, and are signed by the Accountant-General. There are upwards of 21,000 of these cheques drawn and the greater part of them paid annually. The payment of them commences the day after the Bank begin paying the dividend. Many of them contain conditions to be fulfilled before payment can be made. Such conditions are the existence of some life or lives other than that of the payee; the continuing minority of an infant, the payee continuing a widow or unmarried, the continuing to hold some office as archbishop, bishop, rector, vicar, incumbent or curate, churchwardens and overseers, schoolmaster, treasurer of a charity, or trustee, the payee not having encumbered his interest, or where the payment is to continue until a certain sum has been paid. In one case the condition was that the payee had not appeared in public as an actress or public singer; in another the maintenance of a horse, and in another the life of a cat. An affidavit is required to be produced showing that the condition is fulfilled, and if the cheque is to be received under a power of attorney the payee's life has to be proved. This is done by a request (Form G.) signed by the party, accompanied by a certificate from the minister and one of the churchwardens of the parish, or by an affidavit.

31. In connexion with the payment of the regular interest cheques, the duty of calculating the dividend upon the various sums of stock standing on the different accounts in the Accountant-General's books may be referred to. It must be borne in mind, as already stated, that the whole of each description of stock in court stands in the books of the various funds at the Bank of England, and in the books of the various public companies, in the sole name of the Accountant-General, in trust as before mentioned. The dividends upon each kind of stock are therefore paid to the Accountant-General in one sum, and are received for him, under a power of attorney, by one of the cashiers of the Bank of England, and placed to his general cash account there. Previously to each dividend becoming due a list is made out in the form of a journal entry, containing the titles of the several accounts, to the credit of which any amount of the particular kind of stock upon which the dividend is going to be received is standing, the amount of stock remaining upon each such account, and the dividend (less income-tax) that will become due thereon. The accounts on which the stock is standing for the first time, or on which it has been altered since the last dividend, are marked in the margin, and the list is sent sheet by sheet to the Chancery Office at the Bank. Two copies are there made of it; the stock and dividend on each account marked as altered are checked; the castings of both stock and dividend are examined, and the list returned to the Accountant-General's Office. From these "sheets" the dividends are posted in the ledgers. The total interest is of course made to agree with the amount received for the Accountant-General by the Bank cashier. One of the copies of the sheets made by the Bank is kept there, as the authority for posting the dividend in their ledgers; the other is sent to the Accountant-General in the form of a certificate of the amount of dividend received, and placed to the various accounts. It is examined in the different divisions of the office, and filed at the Report Office. Owing to the frequent changes in the income-tax which have taken place of late years, much additional labour has been caused to the office in preparing for the dividend, as upon every such change each of the individual sums of stock, of which there are more than 18,000 in the Accountant-General's books, has had to be treated as a new amount, and the dividend, less income-tax, calculated afresh upon it.

32. The preparation of powers of attorney, of which there were 3,244 made out during the last year, requires much time and attention. To obtain a power of attorney, there must be a request (Form H 1), signed by the solicitor who bespeaks it, setting forth the names, addresses, and descriptions of the parties from and to whom the power is to be granted, the amount of cash to be received under it, and the dates of the orders and other papers under which the cheque has been or will be drawn. The solicitor who signs the request for the power certifies that the person to whom it is to be granted is well known to him, and the request is submitted to the Accountant-General for his approval. The power (Form H 2) describes the cheque to be received under it, either by its amount or as being for the interest on a given sum of stock, or the payments due and to become due of a given annuity, and it also mentions the title of the cause or account on which the money or stock is standing. The dates of the order and other papers under which the payment is made are also inserted

in the power. If the cheque is already drawn, the preparation of the power takes up little more time than that which is necessary to write it, but it frequently happens, especially in busy times, that the power is bespoken before the cheque has been drawn, and then the preparation of it involves an examination of the order and ledger, so as to see whether the cheque can be made out, and in what form it will be. The powers are examined, before they are delivered out for execution, by the senior clerk of the division, and the execution is also carefully examined by him when they are brought back to be acted upon. If there is any doubt as to the sufficiency of the execution, it is immediately submitted to the Accountant-General. The power, it should be observed, concerns the Bank as well as the Accountant-General. It first authorizes the attorney to receive a cheque (describing it) from the Accountant-General, and then "to write and endorse" the grantor's name "upon "the back of such note or draft, and to receive the money "drawn for thereby from the Bank of England." The Bank pay the money to the attorney upon his own endorsement, trusting to the initials of the Accountant-General's clerk (which are known to the officers of the Bank), placed at the back of the cheque against the attorney's name, as proving that a power of attorney for the receipt thereof, properly executed, has been left with the Accountant-General.

33. Another duty which devolves upon the Accountant-General's Office is that of informing the Court of the present state of any of the accounts in his books on which there remain any money or effects. This is done by what are called voluntary certificates. They are bespoken by a solicitor, and are made out on the second day after bespeaking, to give time for posting in the ledger the various transactions of the day on which they are bespoken. These certificates are made out by one clerk and examined by another, and then signed by the Accountant-General. They are very numerous, as no order is drawn up dealing with funds in court without the production of one of these certificates.

34. Transcripts of the accounts are also frequently required for the information of the solicitors, and especially of the judges' clerks. They are taken principally from the ledger, with such references to the journals as may be necessary to give a clear account of the various receipts and payments, and other transactions which have taken place with regard to the fund, on the particular account to which the transcript relates during the time it has been in court. Sometimes they are of great length, as the accounts to which they refer may have existed for a very long period, or there may have been a large number of persons from or to whom money has been received or paid, and the other transactions relating to the fund may have been numerous.

35. Searches have occasionally to be made to supply solicitors with information upon subjects which the books in current use in the office do not enable the clerks to give. Such subjects are, when a particular sum of money or stock was paid or transferred into Court, or out of Court, under what order, &c.; and if paid out, to whom, whether personally or by power of attorney, &c.

36. The only fees paid for anything done in the Accountant-General's Office are 3*s.* for every power of attorney, 2*s.* for each debtor and creditor opening of a transcript of account, and 5*s.* for each search. These fees are settled by an order of the court, and are wholly paid into the fee fund account by Chancery fee fund stamps.

37. Negative certificates are also sometimes wanted to prove that particular sums of stock or cash have not been transferred or paid into court within the time limited in the order. The order and such other papers as would be necessary to prepare the directions to transfer or pay in have to be left. The account is carefully examined, and if the time for doing the act has clearly expired without its being done, a certificate to that effect is made out. It is examined by the second clerk, who puts his initials, and then taken with the order and other papers to be read over to the Accountant-General and to receive his signature. Great care is taken with these certificates as they are taken to be evidence of the fact which they certify, and are used by the proper officer of the court as the foundation upon which to issue process of attachment.

38. In order to secure accuracy as far as possible in the operations of the office, the principle (as may be collected from the preceding detail) is adopted that all documents, cheques, directions, &c. must pass from the clerk who draws them to another clerk and be carefully examined by him with the orders and other papers under which they are drawn, and be marked with the initials of the examining clerk before they are signed by the Accountant-General. The entries in the ledgers also are daily compared with the journal entries. In addition to these examinations, for the purpose of preventing any material difference between the accounts of the Accountant-General's Office and those of the Bank of England Chancery Office, the totals of debits and credits for the preceding three days in each division are sent up from the Bank twice a week, and an account of the balances of cash and securities at the end of each month is also sent. These totals and balances are carefully compared and agreed with the books of the Accountant-General. An account of the balance of cash remaining in the Bank to the credit of the Accountant-General in each division of the office is also sent weekly from the Bank Chancery Office under cover, addressed to the chief clerk. An account of the same balance is brought in from the several divisions of the office to the chief clerk and compared with the Bank account. Should any difference occur it is immediately inquired into. The balance of cash and of each kind of stock standing upon every account in the Accountant-General's books once a year, on the 1st October, is ascertained. The title of each account upon which any cash or stock is then remaining is written in a book called a balance book, and opposite to such title the amount of cash and stock belonging to it is entered; a separate column being devoted to cash and to each kind of stock. A similar book is made out at the Chancery Office of the Bank. The two books are then compared together and a memorandum taken of any difference that may be detected. The differences are investigated and settled; the balances which have turned out to be wrong are corrected and the corrected balances added up. The totals of the different columns are compared with the balances of the general cash and stock accounts, and if they do not agree the work of examination and comparison is again resorted to until at last a correct balance of each is obtained.

39. The system of book-keeping adopted at the Accountant-General's office is very simple. It has been the same in principle ever since the institution of the office, but some simplifications have been introduced which experience has shown might be made with safety. The books in use are, 1st, direction books and receipt books, which contain entries of things to be done; 2nd, journals of receipts and payments, in which all the transactions of the office under the date at which they were actually done at the Bank are entered; 3rd, ledgers, which contain the accounts of every cause or matter in the office, and to which the entries of the journals are daily posted. On the 29th January 1833 the then Accountant-General decided to alter the method in which the ledger accounts had up to that time been kept, by having the cash and stock entered in distinct columns. Previously to that time the cash was entered by itself in the inner column of the ledger, but it was also entered in the outer column where the stock was entered. The alteration consisted in entering the cash in the inner column only, and thus keeping the outer column for the stock. The great advantage of the alteration consisted in enabling anyone who consulted the ledger to ascertain the amount of stock standing on an account much more readily than it could previously be done; as it only requires the stock columns (Dr. and Cr.) in the most complicated accounts to be added up and a subtraction to be made in order to ascertain the balance of stock. Under the old system, the stock column was much heavier to add (as it contained the cash), the cash columns had also to be added and the balance of cash found, and then the cash balance deducted from the balance of the stock columns before the balance of stock could be ascertained. The alteration took place 1st February 1833.

40. Totals of the journal entries are made twice a week, and general cash and stock accounts kept, which are debited and credited with these totals, according to the system of double entry. By this means the total amount of cash and of each kind of stock in the Accountant-General's name at the Bank, can at any time be ascertained. The ledger entries are made much fuller than would be the case with a merchant or banker, so that as far as is practicable the past history of the accounts may be understood and the questions which are constantly being asked about them answered without being obliged to have recourse to other books for information.

41. The Accountant-General is appointed by the Court of Chancery under the authority of the Act 12 Geo. 1. c. 32. The Accountant-General's clerks are appointed by the Lord Chancellor upon the nomination of the Accountant-General. Their promotion on vacancy is regular and of course, unless the Accountant-General should, on the ground of misconduct or unfitness, see cause for withholding his recommendation. The salaries of the clerks are provided for by the Acts 12 Geo. 2. c. 24.; 4 Geo. 3. c. 32.; 9 Geo. 3. c. 19.; 32 Geo. 3. c. 42.; 46 Geo. 3. c. 129.; 55 Geo. 3. c. 64.; 1 & 2 Vict. c. 54.; 3 & 4 Vict. c. 94.; and 15 & 16 Vict. c. 87. The number of clerks has from time to time been increased by the authority of these various Acts. Subsequently to the enactment of the 55 Geo. 3. c. 64. the

regulation by the Lord Chancellor of the salaries to additional clerks has been confirmed by the sanction of the Treasury.

(Signed) W. RUSSELL, A.-G.

STATEMENT showing the DISTRIBUTION of DUTIES among the Clerks in the Accountant-General's Office.

Principal or 1st Clerk.

Take in orders for principal drafts, draw, get them signed and deliver them.

(In August the 1st clerk to be relieved from drawing one-third of these drafts.)

Get signed and deliver certificates of delivery out of bills and boxes, &c.

Take in and enter restraining orders.

Examine and mark off sales with brokers' notes.

Examine powers of attorney before and after execution.

Examine regular interest drafts with models and ledgers with 2nd clerk.

Examine the principal drafts drawn by the 2nd clerk in August, and get them signed.

2nd Clerk.

Examine regular interest drafts with 1st clerk.

Take in orders for first payments of interest and maintenance drafts, and drafts for interest money, draw, get signed, and deliver them.

Draw one-third of principal drafts in August.

Take in instructions for all powers of attorney and draw them, except the drawing of two-thirds in August.

Take in orders for carryings over, sales, transfers out and delivery out of bills, &c., and negative certificates.

Examine directions to pay in money and to deposit bills, &c., and negative certificates, and get them signed.

Draw and get signed, carryings over and draw tickets to transfer out.

Examine requests for purchases with orders and ledgers and all purchase drafts with the broker's notes and get the drafts signed.

Give commissions to the broker.

3rd Clerk.

Draw one half of the regular interest drafts and deliver the whole of them (except drawing one half of the October dividend).

Examine first payments of interest and make models of them.

Keep power of attorney book.

Examine carryings over.

Draw two-thirds of the powers of attorney in August.

Examine the regular interest purchase drafts with investment books and ledgers.

4th Clerk.

Take in orders for directions to pay in and to deposit and draw directions for the same.

Take in orders for purchases and draw the drafts and make out commission paper for the broker.

Keep infant legatees, trustees, and general investment books, draw the drafts for the investments, and make out commission paper.

Give answers from ledgers, take down voluntary certificates, and take instructions for searches.

Draw negative certificates.

Draw half of the regular interest drafts.

Take in requests for transcripts and deliver them.

Examine principal drafts and drafts for interest money except the first payments of interest and the regular interest drafts, and except the principal drafts drawn by the 2nd clerk in August.

5th Clerk.

Keep ledgers and stock ledger and Exchequer bill book.

Examine voluntary certificates.

Examine all postings of journals with 7th clerk.

Examine entries of restraining orders.

Make searches.

6th Clerk.

Keep receipt journal.

Make out transcripts of accounts.

Examine tickets to transfer in and out and draw certificates for them.

Examine postings of dividend sheets with 7th clerk.

Alter up old dividend sheets, make out one half of new sheets, cast and settle the whole of them.

Enter principal drafts.

Examine transfer list with 8th clerk.

Make out voluntary certificates.

7th Clerk.

Keep cash payment journal.

Enter drafts drawn by 2nd clerk.

Enter purchase drafts.

Keep schedule book.

Examine postings of receipts and payment journals with 5th clerk.

Examine postings of dividends sheets with 6th clerk.

Copy out half of new dividend sheets.

Enter one-third of regular interest drafts.

Draw one-half of the October dividend drafts.

8th Clerk.

Keep direction book.

Draw certificates of payments in, purchases, sales, and carryings over.

Examine brokers' notes and complete purchase drafts for 2nd clerk, and mark amount of stock sold on Registrar's certificates for 1st clerk.

Examine transfer lists with 6th clerk.

Enter two-thirds of regular interest drafts.

FORMS IN USE IN THE ACCOUNTANT-GENERAL'S OFFICE.

FORM A 1.

Direction to pay Money into Court.

No.

I do hereby certify that, pursuant to an order dated the and a filed the is on or before the to pay into the Bank of England the sum of

which is to be placed to my account as Accountant-General, and to the credit of the cause

and a receipt is forthwith to be brought to me, from one of the cashiers of the Bank, for payment thereof, as directed by Act of Parliament.

£

FORM A 2.

Certificate of Money having been paid into Court.

I do hereby certify that, pursuant to an order dated the and a report dated the and an affidavit sworn ha paid into the Bank of England the sum of

which is placed to my account as Accountant-General, and to the credit of this

in the books kept at the Bank (and in my office), as appears by the receipt of Mr. one of the cashiers at the Bank, dated hereto annexed.

FORM B 1.

Ticket to Transfer Stock into Court.

£

To the Accountant-General of the Court of Chancery, William Russell, Esq., his successors and assigns, in trust, to attend the orders of the said court in the cause

To be transferred on or before the

N.B.—If any alteration be made in this ticket by the parties, the transfer is not permitted to take place.

FORM B 2.

Certificate of Stock having been transferred into Court.

I do hereby certify, that pursuant to an order dated the transferred to my account, the sum of

£

which I have accepted (in trust) in th cause as appears by the certificate of Mr. the proper officer of the Bank of England, dated hereto annexed.

FORM B 3.

Notification to Chancery Office of Stock transferred in having been accepted.

186

Mr. Gray,

Sir,

I have accepted the following sum of annuities, which has been transferred to me (in trust) in the cause

£

FORM C 1.

Certificate for Carrying Over.

I do hereby certify, that, pursuant to an order dated the and a report dated the the sum of £

placed to the credit of the cause

to be carried over from thence to the credit of the said cause.

And a certificate is forthwith to be brought me from the Accountant-General of the Bank of England, of the same having been brought over as directed by Act of Parliament.

FORM C 2.

Certificate of Carrying over having been made.

I do hereby certify that, pursuant to an order dated the and an affidavit filed

the sum of £

placed to the credit of th cause
ha been carried over from thence to the credit of the said cause

in the books kept at the Bank (and in my office), as appears by the certificate of Mr. of the Bank of England, dated this day hereto annexed.

FORM D 1.

Request to invest Cash.

Title of the cause, or matter, or cause and account, in which the funds stand.

versus

Sir,

I desire that the sum of may be laid out in the purchase of to be transferred to your account (in trust) in this cause.

Dated this

To the Accountant-General of the Court of Chancery.

FORM D 2.

Notification to the Chancery Office at the Bank of Stock purchased having been accepted.

Mr. Gray, Purchases,
Sir, 18

I have accepted the following sums of annuities, which have been transferred to me (in trust), in the undermentioned causes and accounts, viz.—

Bank £3 per Cent. Anns. Cons.

FORM D 3.

Certificate of Purchase of Stock having been completed.

I do hereby certify, that pursuant to an order dated

Mr. Edward Mortimer, with my privity, purchased the sum of £ Bank £3 per Cent. Annuities, which hath been transferred to my account, and accepted by me (in trust) in this cause

as appears by the certificate of Mr. the proper officer of the Bank of England, dated this day, hereto annexed, and that the said Annuities were purchased at £ per cent. at which price, including £ paid for brokerage, the said Annuities cost the sum of £ which hath been paid to the said Mr. Edward Mortimer by the Bank of England, with the placed to the credit of this cause

according to the directions of the said order.

FORM E 1.

Notification to Bank Chancery Office of Sale having been made.

18

I have this day transferred the sum of £ Bank £3 per Cent. Annuities on the credit of the cause

pursuant to an order dated the , a certificate of taxation filed the , an affidavit filed the , and to the certificate of Esq. And I do direct

raised by sale of the Annuities, and this day paid into the Bank of England, to be placed to the credit of the same cause.

£

Brok^e.

£

FORM E 2.

Certificate of Sale of Stock having been made.

COURT OF CHANCERY IN ENGLAND. Returns as to Duties and Appointment of Officers. Office of the Accountant-General.

I do hereby certify, that pursuant to an order dated the

a report dated the
and an affidavit sworn
and to the certificate of Esq., one of the registrars of this court, Mr. Edward Mortimer, with my privity, sold the sum of £ Bank £3 per Cent. Annuities, which I have transferred from my account (in trust) in this cause.

And that the said Annuities were sold at £ per cent., at which price, after deducting £ paid for brokerage, the said Annuities produced the sum of £ which hath been paid into the Bank of England, and is placed to my account as Accountant-General, and to the credit of this cause in the books kept at the Bank (and in my office), as appears by the receipt of Mr. one of the cashiers of the Bank dated this day hereto annexed.

FORM F 1.

Ticket to transfer Stock out of Court.

William Russell, Esq., Accountant-General of the Court of Chancery, &c. (in trust) in the cause
£ Bank £3 per Cent. Anns.

FORM F 2.

Certificate of Transfer of Stock having been made.

I do hereby certify, that pursuant to an order dated

and to the certificate of Esq., one of the registrars of this court, I have this day transferred the sum of £ from my account (in trust) in
according to the directions of the said order.

FORM F 3.

Notification to the Chancery Office at the Bank of Stock having been transferred.

Transfers.

Mr. Gray,
Sir,

I have this day transferred the following sums of Annuities in the under-mentioned causes and accounts, to the persons hereafter named, viz.—

Bank £3 per Cent. Anns. Cons.

FORM F 4.

Form of Cheque for Payment of Money out of Court.

To the Governor and Company
of the Bank of England.

You are pursuant to an order dated

Provided that if this note is not paid in a month after date, then the same to be void, dated this day of 18

£

FORM G.

Certificate of Grantee of Power being alive.

To the Accountant-General of the
Court of Chancery.

Be pleased to pay to Mr. by virtue of my letter of attorney granted to him, the interest due to me on the day of 186 in the cause

We, the Minister and one of the Churchwardens of the parish* of in the county of do hereby certify, that the above-named was living on the day of 186

* Or chapelry, as the case may require.

N.B.—This is not to be filled up, but copied and kept as a precedent.

FORM G.

Certificate of Grantee of Power being alive.

To the Accountant-General of the
Court of Chancery.

Be pleased to pay to Mr. by virtue of my letter of attorney granted to him, the half-yearly pay-

ment due to me on the day of 186 , out of the cash in the cause against .

* The Notary, Consul-General, Ambassador, or Secretary of Embassy, as may be most convenient to the party abroad.

I * do hereby certify, that the above written came before me on the day of 186 , and signed the above order in my presence, of which act evidence being required, I hereby certify the same under my hand and seal of office.

Done at
the day of

L.S.

N.B.—This form is to be kept as a precedent by the party abroad entitled to the interest, and a copy is to be transmitted to his or her attorney, half-yearly, to enable him to receive the interest.

FORM H 1.

Request for a Power of Attorney.

(Request for Power of Attorney.)

versus { Short title of the cause, or matter, or cause and account, as the case may be, in which the fund stands.

A power of attorney from

Name, address, and description of grantor: {

in the county of the person named in an order in the cause dated
or in a report filed
To

Name, address, and description of grantees. {

jointly and severally (who is or are well known to me) to receive your note or draft on the Bank of England for* the sum of £

* If applicable to receipt of dividends, give description and amount of stock on which they are to be received.

dated this

To the Accountant-General of the
Court of Chancery.

To be signed *by the solicitor himself*, who bespeaks it, or if bespoken by a firm, by one of the firm with his own name on behalf of the firm.

FORM H 2.

Form of Power of Attorney.

Know all men by these presents that

have nominated constituted and appointed and by these presents do nominate constitute and appoint

true and lawful attorney for and in name or in own name but for use to ask demand and receive and from the Accountant-General of the Court of Chancery the cheque note or draft to be by him drawn on the Governor and Company of the Bank of England for the sum of

and do hereby authorize and empower said attorney to write and endorse name on the back of such note or draft and to receive the money drawn for thereby from the Bank of England, and on receipt of such note or draft and sum of money to give proper acquittances and discharges for the same to the said Accountant-General, and the Bank of England hereby ratifying and confirming whatsoever said attorney shall do in the premises by virtue of these presents.

In witness whereof have hereto set hand and seal this day of in the year of our Lord one thousand eight hundred and sixty

This paper writing was produced and shown to the same mentioned and referred to in his affidavit sworn this day of 186 , before me and is

Sealed and delivered (being first duly stamped) in the presence of

In this power of attorney, the date (in words) must be inserted prior to its execution, each of the witnesses attesting the same must write their residence and business or occupation in life. One of them must be a housekeeper and be so described. And one of them must make an affidavit of its due execution before a master in chancery or commissioner for taking affidavits in chancery in England, unless the same be executed in those parts of Scotland or Ireland where no such officers are appointed, when it may be made before the chief magistrate of the place or other person lawfully authorized to administer oaths.

COURT OF CHANCERY IN ENGLAND.

Returns as to Duties and Appointment of Officers.

Office of the Accountant-General.

In Chancery.

I of make oath that I was present and did see

duly sign seal and as act and deed deliver the letter of attorney hereto annexed and that the name*

thereto set as the part executing the same of the proper handwriting of the said

and that the names

and

set or subscribed as witnesses to the due execution of the said letter of attorney are of the proper handwriting of the said and of me the said deponent and that the said is a housekeeper and residing at in the county of

Sworn at

* In this affidavit, the signatures of the person or persons executing the annexed power of attorney and of the witnesses attesting its execution, whether such be the name written at length or abbreviated, or merely a mark must be quoted exactly as written, and if by a mark then this affidavit must state that the said power was previously read over to and understood by the grantor.

FORM J.

Voluntary Certificate.

18

I do hereby, at the request of Mr. solicitor for the humbly certify, that there is now remaining on the credit of this cause

---

II. 11. The RETURN of the EXAMINERS of the HIGH COURT of CHANCERY, and of the CLERKS in the same OFFICE, to HER MAJESTY'S COMMISSIONERS for inquiring into

1. The Constitution, Establishment, Practice, Procedure, and Fees of the Superior Courts of Common Law in Ireland.
2. The differences between the Constitution and the Form of Practice, Procedure, and Fees of the Court of Chancery of England and of Ireland.

AS TO THE EXAMINERS.

1 and 2. The nature and extent of the duties performed by the Examiners are imposed and regulated by the statute 15 & 16 Vict. c. 86., the Consolidated Orders of the Court of Chancery of Hilary term 1860, and the Order of the Court of Chancery dated February 1861.

3. No change has been made in the nature or extent of the duties performed by the present examiners except those made by the above-mentioned Orders.

4. The appointment of Examiner is vested in the Master of the Rolls for the time being, as appears by the report of the Lords Commissioners appointed "to make a survey of the different Courts of England, Wales, Berwick-upon-Tweed, as to the Court of Chancery," dated 7th November 1740, and ordered by the House of Commons to be printed on the 20th February 1815.

AS TO THE SWORN CLERKS.

1. The duties of the sworn clerks may be thus enumerated:—To receive applications for appointments for the examination of witnesses, to procure from the applicants the pleadings or other necessary papers for the use of the Examiners; to receive the usual deposit of 3*l.* payable on such application; to enter in books kept for those purposes such appointments and receipts; to return to the depositors or Accountant-General (as the case may be) under the Order of Court dated the 1st of January 1862 the deposit monies; to receive the fees payable for the examination of witnesses (by means of stamps), and to obliterate such stamps; to transmit to the Record and Writ Clerk's Office the evidence taken before the Examiners; to

Court of Chancery in England.

Returns as to Duties and Appointment of Officers.

Office of the Examiners.

prepare all certificates required by the suitors from the Examiners; to superintend searches for causes and inspection of depositions taken under the former practice of the Examiner's Office, and to make office copies of such depositions when required.

2. The Statute by which the present practice of the office is regulated is the 15 & 16 Vict. c. 86., and the consolidated and other orders made in pursuance thereof.

3. By reference to the report of the Commissioners, dated the 9th April 1816, and ordered by the House of Commons to be printed 6th June 1816, page 44, and from the enumeration contained in clause 1 hereof, it will appear that all the duties stated to be attached to the office of sworn clerk at the date of such report have been abolished.

4. The sworn clerks are nominated by the Examiner for the time being in whose division the vacancy occurs, and are approved of by the Master of the Rolls for the time being. The authority under which such appointment is made will be found in the Report of the Lords Commissioners dated 8th November 1740, printed amongst the parliamentary papers of the House of Commons, 20th February 1815, Report page 15.

P.S.—The sworn clerks employ under them a clerk or messenger for the purpose of attending upon the Examiners and themselves; to convey the records to the Office of Records and Writs, also all messages, &c. upon the business of the office.

(Signed) Kenyon S. Parker,
Charles Otter,
Examiners.

(Signed) T. H. Greenland,
George A. Croft,
Sworn Clerks.

Masters in Lunacy.

II. 12. Return of the Masters in Lunacy and Visitors of Lunatics, as to their Duties and Appointment.

Sir, Feb. 5, 1863.

I am directed by the Lord Chancellor to forward to you, for the information of the English and Irish Chancery Commission, the accompanying Returns from the Masters in Lunacy and from the Visitors of Lunatics.

I am, &c.

H. R. V. Johnson, Esq. (Signed) P. H. Pepys.

The Return of the Masters in Lunacy to the Commissioners for Inquiry into the Superior Courts of Common Law and the Courts of Chancery in England and Ireland.

I. The nature and extent of the duties of the Masters in Lunacy are fixed by the Acts of Parliament and general orders particularized under the second head of this return.

The Masters preside over all inquiries in England and Wales under the General Commission de Lunatico Inquirendo.

On a person being found of unsound mind, they ascertain and report to the Lord Chancellor who are the heir and kin of such lunatic, his situation, and the nature of his lunacy, and who are the persons most fit to have the charge of his person and estate; also all particulars as to his fortune and income, with the conclusion what should be allowed for his maintenance, and, if necessary, for that of his immediate relations.

On any change of circumstances, the Masters make like inquiries and reports.

The Masters inquire and report as to leases, sales, exchanges, repairs, and the like, and exercise a general control over committees in the management of the fortune of the lunatic.

To every report to which objections are not taken (except in some special cases) the Masters add the order required for carrying the contents of the report into operation, to which the Lord Chancellor, if he sees fit, adds his fiat.

The Masters see that those who are entrusted with the custody of the fortune of the lunatic, and the receipt and expenditure of his income, give and keep up the requisite security, and duly pass their accounts at proper intervals, and pay their balances into Court.

They take the necessary steps for collecting the annual per-centage payable to the Suitors' Fee Fund.

Where a person is found lunatic in Ireland, and where a person residing in Scotland or elsewhere out of England, is found lunatic by the laws of the country in which he resides, the Masters have similar duties to perform in connexion with the fortune in England and Wales.

The Masters inquire and report on any matters referred to them from time to time by the special orders of the Court in the several lunacies.

The Masters, when their other duties permit, attend the Board meetings of the Visitors of Lunatics; they also furnish the Visitors with the information as to property, &c. which is necessary to enable them to judge whether the lunatics have the comforts to which they are entitled.

Court of Chancery in England.

Returns as to Duties and Appointment of Officers.

Masters in Lunacy.

Other duties may devolve on the Masters under the Act of last Session of Parliament and the general orders thereunder (mentioned under the second head).

In the foregoing particulars, the Masters have mentioned the principal heads of their duties, abstaining from going more into detail.

The Masters are assisted in carrying out their duties by the following officers, to each of whom special duties have been assigned, but liable to regulation by the Masters from time to time as occasion may arise.

The Chief Clerk, whose department is taking the accounts of committees and receivers, and taxing the costs thereon; he also assists the Masters in any business of the office which they may devolve upon him.

A Principal or Report Clerk, to each Master, who is chiefly occupied in drawing the reports of the Master, and the orders consequent thereon, and attending the Master on parties proceeding before him, and communicating with solicitors as to matters pending before the Master, &c.

A Circuit Clerk, to each Master who makes the preliminary arrangements as to opening commissions, and attends the Master on their execution in town and country. He also assists the report clerk in his duties, and examines with the warrant clerk, hereafter named, engrossments of deeds, transcripts, reports, &c., with the originals, as settled by the Master.

The Warrant Clerk, who is employed in making the appointments for attendances before the Masters, and entering in the books of proceedings the Masters' daily entries, and the other proceedings in the several matters; also assisting the circuit clerks in examining transcripts and engrossments, &c., as before stated.

The Public Office Clerk, who is charged with the completion of the securities of committees, with preparing certain classes of certificates, calculating the amounts of per-centage payable to the Suitors' Fee Fund, and keeping the books relating thereto, and furnishing the necessary information as to property, &c., to the Visitors; also with the care of documents deposited for safe custody.

Two Account Clerks, who are occupied in getting in the annual accounts of committees, and keeping the necessary books, in sending out circulars for those purposes, communicating with solicitors in relation thereto, and checking the figures and other details, and rendering the chief clerk assistance generally in connexion with the accounts. The junior clerk makes the appointments before the chief clerk on the accounts.

II. 16 & 17 Vict. cap. 70. (Lunacy Regulation Act, 1853.)
18 & 19 Vict. cap. 13.
25 & 26 Vict. cap. 86. (Lunacy Regulation Act, 1862.)
General Orders in Lunacy 7th November 1853.
ditto 12th January 1855.
ditto 7th November 1862.

III. It may be stated, generally, that the changes which have from time to time been made by Act of Parliament and General Orders in the business of the Masters' office, and the arrangements which the Masters have had to make consequent thereupon, and the annual increase in the number of lunacies by inquisition, have added to the business of the Masters' office, and have so far caused changes in the nature and extent of the duties performed by the Masters and their officers since their respective appointments.

IV. The appointment of the Masters is vested in the Lord Chancellor by the Lunacy Regulation Act 1853.

The appointment of the chief clerk and other officers of the Masters is vested in the Masters by the same Act, but as to the chief clerk, with the approbation of the Lord Chancellor.

(Signed) H. Enfield,
February 3, 1863. Chief Clerk.

Visitors of Lunatics.

II. 13. The Return of the Visitors of Lunatics to the Commissioners for inquiring into the Superior Courts of Common Law and the Courts of Chancery in England and Ireland.

I. The nature and extent of the duties performed by the Visitors of Lunatics are as follows:—

They visit all lunatics so found by inquisition, and resident in England or Wales, examine into their bodily and mental condition, and their care and treatment, and the sufficiency of the provision made for their maintenance and support.

If a Visitor sees reason to be dissatisfied with the care and treatment, or to consider that the provision for the

maintenance should in any respect be varied, he reports his opinion to the Board of Visitors, such Board consisting of the Visitors and the Masters in Lunacy, who are *ex-officio* Members of the Board.

The Board on receiving such reports either refers them to the Masters in Lunacy to be dealt with under their powers, or takes such other action upon them as may seem proper.

Visitors of Lunatics.

The Visitors make reports to the Lord Chancellor on the condition and care and treatment of each of the Lunatics; and in all cases which have been reported to the Board communicate the steps consequent on such reports.

When the Visitors are of opinion that patients have recovered their sanity they report thereon to the Lord Chancellor.

The visits of the Visitors are made quarterly as regards patients not in asylums, and annually as regards patients in asylums.

The Visitors carry into effect any directions given to them by the Lord Chancellor consequent on their reports.

The Visitors are from time to time required by the Lord Chancellor to make special visits and reports in the cases of particular lunatics as to whom proceedings may be pending; and they may also, under the Act passed in the last Session of Parliament, be called upon to visit and report upon particular lunatics not so found by inquisition.

The Visitors have other miscellaneous duties arising out of and connected with the above-mentioned duties.

The Visitors have a *Secretary*. He sees persons desiring to communicate with the Board.

He conducts the correspondence of the Board.

He prepares the business to be submitted at Board meetings, takes minutes of the proceedings at such meetings, and carries into effect the directions then given.

He despatches any business assigned to him by the Board, and acts generally as their organ.

The Visitors have three *Clerks*. They collect and enter in books the information required by the Visitors, as to the persons coming within their charge; as to their places of abode, their committees, their fortunes, and the arrangements for their maintenance, &c.

They prepare the instructions for the Visitors, embodying therein the above information.

They draft and fair copy the reports of the Visitors to the Board and to the Lord Chancellor.

They fill up and send out half-yearly circulars for returns from the committees and medical attendants of all lunatics, and collate the returns when received with the office books.

They keep all papers duly arranged, and the office books entered up.

They perform a variety of miscellaneous work needful for the due despatch of the business of the office.

II. The statutes and orders by which such duties are imposed or regulated are as follows:—

Lunacy Regulation Act, 1853.

Lunacy Regulation Act, 1862.

General Orders of Lord Chancellor Brougham, made 1833.

General Orders of the Lords Commissioners, made 1835.

General Orders of Lord Chancellor Cranworth, made 1855.

III. The changes in the nature and extent of the duties to be performed by each of such officers since his appointment have arisen under the Lunacy Regulation Acts of 1853 and 1862, and the General Orders of 1855, which have increased the duties of such of the above-mentioned officers as were at those times respectively in office. The duties of the officers have also been increased by the additions which have from time to time been made to the numbers of lunatics by inquisition.

IV. The statutable authority under which each appointment in the office of the Visitors was made is derived from the Lunacy Regulation Act, 1853, and the Lunacy Regulation Act, 1862.

The right of appointment of the Visitors, their secretary, and their clerks, is vested in the Lord Chancellor.

(Signed) H. ENFIELD,
Secretary.

3rd February 1863.

Office of the Registrar in Lunacy.

II.—14. The RETURN of the REGISTRAR in LUNACY, in pursuance of the Request of Her Majesty's Commissioners for INQUIRING into the SUPERIOR COURTS of COMMON LAW and the COURTS of CHANCERY in ENGLAND and IRELAND, showing—

I. *The nature and extent of the duties performed by himself and each Officer under him in the Office of Registrar in Lunacy?*

The office of "Registrar in Lunacy" is the same as that formerly described by the name of "Secretary of Lunatics." The title of Registrar was given to the Office by the Act of 15 & 16 Vict. c. 87. s. 30., but the duties remain unchanged, and are those of a Registrar and Secretary combined.

As Registrar he attends in Court when the Lord Chancellor or Lords Justices are sitting to hear Petitions in Lunacy, and takes down notes of the Orders made, and afterwards draws up the Orders in proper form, with such consequential directions as may be necessary according to the practice. He also marks any documents produced in evidence. When the Orders are complete, he sees that they are entered in the books kept in his Office for that purpose, and he then marks the Orders as having been entered. He also issues Office Copies, when required, of Orders and other documents filed in his Office, and certifies the correctness of such copies by his signature and seal of office. In cases where Stock has to be sold or transferred by the Accountant-General in pursuance of an Order in Lunacy, the Registrar has to sign a direction authorizing such transfer.

Another part of his duties is to look over all Petitions, and to make abstracts and an analysis of them, for the use of the Court, previously to the hearing of the Petitions; also to examine and make abstracts of the Reports of the Masters which are now, in pursuance of the Lunacy Regulation Act, submitted, with consequential directions attached to them, for confirmation by the Lord Chancellor or Lords Justices, and, if the Reports are approved, to add to them, for the signature of the Lord Chancellor or Lords Justices, the fiats which give to the Reports the force of Orders.

In case the Lord Chancellor or Lords Justices, on the Reports being submitted to them, desire further information or explanation before confirming such Reports, or require any alterations to be made in the consequential directions proposed by the Reports, it is the duty of the Registrar to be the medium of communication between their Lordships and the Masters on such subjects, and to carry out the directions which may ultimately be given.

In answer to the inquiry as to the extent of duties, it may be stated that, on an average of the three years ending November 1861,—

The annual number of Orders made on Petitions was 244.

The annual number of Reports submitted for confirmation by fiat was 170.

The average amount of Stock transferred out of Court by the Accountant-General under the Orders and Fiats was annually 248,319*l.* 11*s.* 2*d.*

The average annual number of certificates of the Masters and Taxing Masters filed was 437.

The average annual number of affidavits filed was 971.

In addition to the Petitions to be heard in Court, there are other Petitions in Lunacy which are presented at the Office of the Registrar, namely, Petitions for Enquiries in Lunacy. It is the duty of the Registrar to examine these, and submit them, if unopposed, in private to the Lord Chancellor or Lords Justices, and to draw up the Orders upon such Petitions.

There is also another class of Petitions which, with the evidence in support of them, will have to be examined and submitted in private, viz., Petitions for Summary Orders for the application of property of Lunatics, for their maintenance, where such property does not exceed 1,000*l.* in value, or produce an income exceeding 50*l.* per annum. Such Petitions are presented in pursuance of the Lunacy Regulation Act, 1862, sections 12 and 13, and the General Orders made under that Act. As the Act has only come into operation very lately, there is at present no experience as to the extent of duties which will have to be performed under the Clauses referred to, but there is every reason to anticipate that the applications in pursuance of the Sections referred to will be numerous.

The Registrar also acts as Secretary to the Lord Chancellor in matters connected with the jurisdiction in Lunacy, and in that character he attends to all correspondence respecting Lunatics and their affairs, and takes the Lord Chancellor's directions as to the answers to be sent to letters on such matters. He also looks through all the Reports made to the Lord Chancellor by the Commissioners of Lunatics and the Visitors of Lunatics, and makes such communications to them as the Lord Chancellor, upon consideration of their Reports, thinks fit to direct.

The number of Lunatics so found by inquisition are about 650, and it is annually increasing. Under the provisions of the Lunacy Regulation Act, 1862, such of these Lunatics as are in asylums have to be visited by the Visitors of Lunatics once every year, and such of them as are not in asylums four times every year, and the number of Reports to the Lord Chancellor are expected to exceed 1,500 in every year.

Part also of the duties formerly belonging to the abolished Office of Clerk of the Custodies are now discharged by the

COURT OF CHANCERY IN ENGLAND.

Returns as to Duties and Appointment of Officers.

Office of the Registrar in Lunacy.

Registrar in Lunacy, all Affidavits, Reports, Certificates, and other documents in Lunacy being now filed in his Office, and all Commissions and Writs of Supersedeas prepared there.

The Clerks in the Office of the Registrar are four in number.

The duties of the two principal Clerks are to assist the Registrar in the transaction of the business above mentioned, and they prepare for revisal by him the draft Minutes of Orders and Abstracts of Petitions and Reports, and the Analysis of the Petitions for hearing, and also the Orders and Fiats for signature by the Lord Chancellor and Lords Justices, and they attend to the preparation of Commissions and Writs of Supersedeas, and all Office Copies of Orders and Documents, and the entering of the Orders in books, and the registering of all Documents filed in the Office, with proper Indexes

The duty of the third Clerk is to receive all Affidavits, Reports, Certificates, and Documents left in the Office, and to enter lists of them in books; to make all searches required; to keep the accounts and attend to the Stationery Department, and to receive all requests for Copies of Documents, and to assist in examining the same and attend to the delivery out of them to the parties.

The duty of the fourth Clerk is to attend with papers, and assist in the general business of the Office.

II. *The Statutes, Warrants, Orders, or other authority by which such duties are imposed or regulated?*

The 5 & 6 Vict. c. 84., which abolishes the Office of Clerk of the Custodies, and provides for the performance by the Secretary of Lunatics of such of the Acts, Deeds, matters, and things as had been done and executed in the Office of Clerk of the Custodies as the Lord Chancellor should direct.

The General Orders in Lunacy, dated 27th October 1842, which define the duties connected with the Office of Clerk of the Custodies, which were thenceforth to be done in the Office of the Secretary of Lunatics.

The 15 & 16 Vict. c. 87. (the Suitors Relief Act), by the 46th and 47th sections of which pensions were provided for Officers and persons employed in the Office of the Registrar in Lunacy, and powers given to the Lord Chancellor to remove any such person who might be afflicted with any infirmity disabling him from the execution of his Office, and who should refuse to resign or become incapable of resigning.

The 16 & 17 Vict. c. 70. (Lunacy Regulation Act, 1853), by which Act, and the General Orders made under it, the mode of procedure in matters in Lunacy and the duties of the several Officers are regulated, the first 35 sections of the Act applying particularly to the duties of the Officers.

The 25 & 26 Vict. c. 86. (Lunacy Regulation Act, 1862), which varies the procedure in Lunacy in certain cases, and by sections 12 and 13 imposes new duties on the Registrar, in connexion with the new procedure, as to Lunatics whose property is of small amount, and which by section 28. provides that the Registrar in Lunacy shall hold his office during good behaviour, subject to removal therefrom by the Lord Chancellor in case of misconduct or neglect.

III. *The changes, if any, in the nature or extent of the duties to be performed by each of such Officers since his appointment?*

The Lunacy Regulation Act, 1853, introduced extensive changes in the procedure in matters of Lunacy, the separate Commissions which used to be issued in each case, and the grants of the custody, having been abolished, and the consequential directions attached to the Masters' Reports being made operative as Orders when confirmed by the fiats of the Lord Chancellor or Lords Justices. These changes diminished some of the duties of the Registrar and his clerks, but the increase in the number of inquiries in Lunacy which has ensued from the diminished expense and improvement of the procedure in Lunacy has much more than counterbalanced the diminution of labour above referred to, and a further considerable increase of duties must arise from the additional visiting, and consequent Reports required by the Act of last Session, and the summary powers given by that Act over small properties which hitherto have never been the subject of applications to the Lord Chancellor.

The extent of the increase above referred to in the number of Inquiries in Lunacy is shown by the following statement of the average number of Inquiries before the Lunacy Regulation Act, 1853, compared with the number subsequent to it:

The annual number of Inquiries in Lunacy, on the average of nine years, preceding the said Lunacy Regulation Act, was 39.

The annual number of Inquiries in Lunacy, on the average of the nine years succeeding the Act, has been 71.

IV. *The statutable or other authority under which each appointment in the Office was made, and the person in whom the right of appointment is vested?*

The present Registrar was appointed by the authority of the Lord Chancellor, such authority being recognized by 5 & 6 Vict. c. 84. s. 14., and the Lunacy Regulation Act, 1853, sect. 10., and by the Lunacy Regulation Act, 1862, sect. 28.

The right of appointment to the office of Registrar is vested in the Lord Chancellor.

The Clerks were appointed by the former Registrar, and their appointments recognized by the 5 & 6 Vict. c. 84. s. 14., the 15 & 16 Vict. c. 87. ss. 46, 47., and the Lunacy Regulation Act, 1853, sect. 15. The right of appointing the Clerks is, by the last-mentioned section, vested in the Registrar.

(Signed) CHARLES A. WILDE,
Registrar in Lunacy.

Quality Court,
20th Dec. 1862.

COURTS OF CHANCERY.

Statement of Differences in Official Establishments in England and Ireland.

Messrs. Barber and Jellett.

APPENDIX Q.—JOINT CONCISE STATEMENT BY MESSRS. BARBER AND JELLETT OF THE DIFFERENCES EXISTING BETWEEN THE OFFICIAL ESTABLISHMENTS OF THE COURTS OF CHANCERY IN ENGLAND AND IRELAND, AS DISTINGUISHED FROM THE JUDICIAL ESTABLISHMENTS.

Upon receipt of the instructions contained in the letter of Her Majesty's Commissioners for inquiring into the Superior Courts of Common Law and the Courts of Chancery in England and Ireland, dated the 8th of July 1862, whereby we were requested to prepare a statement of the differences existing between the official establishments of the Courts of Equity in England and Ireland, as distinguished from the Judicial Establishments, specifying the duties of each officer, we proceeded to make inquiries on the subject, and having carefully perused the returns subsequently made to Her Majesty's Commissioners by the various officers of the Courts of Chancery, including the Officers in Lunacy, we now respectfully submit the following statement to the consideration of Her Majesty's Commissioners:—

LORD CHANCELLOR'S OFFICERS.

Lord Chancellor's Officers.

Secretaries.

In *England* the Lord Chancellor has a principal Secretary, a Secretary of Presentations, and a Secretary of Commissions of the Peace.

In *Ireland* the Lord Chancellor has a Secretary and Assistant-Secretary.

In *England* there are two Clerks in the office of the Principal Secretary, a senior and junior Clerk.

In *Ireland* there are no clerks in the Secretary's office.

Duties.

The duties of the Lord Chancellor's Principal Secretary in England, and of the Lord Chancellor's Secretary in Ireland, will be found fully stated in the returns made by those officers. Their duties are much the same in both countries. The following differences may be pointed out:—

In *England* affidavits made in support of or in opposition to petitions to the Lord Chancellor as visitor on behalf of the Crown are filed in the office of the Principal Secretary of the Lord Chancellor, and the orders made upon such petitions are drawn up and recorded there. The mandate and warrant to summon the Pix Jury to assay the coin of the realm are issued from this office. It is also the duty of the Principal

COURTS OF CHANCERY.

Statement of Differences in Official Establishments in England and Ireland.

Messrs. Barber and Jellett.

Secretary to examine the evidences of pedigree for the purpose of the issuing of Writs to enable Peers to take their seats in the House of Lords and to report upon the same to the Lord Chancellor.

In *Ireland* no duties devolve upon the Secretary of the Lord Chancellor similar to those mentioned in the last paragraph.

In *England* letters missive to Peers issue from the office of the Principal Secretary of the Lord Chancellor.

In *Ireland* letters missive not being issued under the Chancery Regulation Act, and the procedure by Bill having become obsolete, no letters missive are at present issued from the office of the Lord Chancellor's Secretary in Ireland.

In *England* Warrants to the Serjeant-at-Arms, or the Messenger or Pursuivant attending the Court, and the Tipstaff, issue from the office of the Lord Chancellor's Principal Secretary.

In *Ireland* there is no such officer as Serjeant-at-Arms, or as Messenger, or Pursuivant.

In *Ireland* various duties in reference to Lunacy matters are performed by the Lord Chancellor's Secretary.

In *England* these duties are performed by the Registrar in Lunacy.

Secretary of Presentations (England).

In *England* there is a Secretary of Presentations whose duties will be found detailed in the return made by that officer.

In *Ireland* the Lord Chancellor not having any Ecclesiastical patronage there is no corresponding officer.

Secretary of Commissions of the Peace in England.

In *England* there is a Secretary of Commissions of the Peace, whose duties will be found detailed in the return made by that officer.

In *Ireland* there is no separate Secretary of Commissions of the Peace. The duties of this officer in England, are in Ireland, with the exceptions noticed in the next paragraph, performed by the Secretary and Assistant Secretary of the Lord Chancellor.

In *England* the Secretary of Commissions receives members of both Houses of Parliament, and others who wish to communicate with the Lord Chancellor on the subject of the magistracy, and he informs the Lord Chancellor of the substance and result of such interviews. He receives and investigates applications relating to Commissions of Sewers, whether the renewal of existing ones, or the issuing of new ones, under the Land Drainage Act, 1861, and prepares fiats for the signature of the Lord Chancellor relative to such Commissions.

In *Ireland* the Secretary of the Lord Chancellor has no corresponding duties to perform.

Clerk of Dispensations and Faculties in England.

In *England* the Lord Chancellor has an officer called the Clerk of Dispensations and Faculties in Chancery, whose duties will be found stated in the return made by that officer.

In *Ireland* the corresponding duties when they arise are performed by the Secretary or Assistant Secretary of the Lord Chancellor.

Lord Chancellor's Gentleman of the Chamber, &c.

In *England* the Lord Chancellor also has the following officers: a Gentleman of the Chamber, a Deputy Serjeant-at-Arms, and a Messenger or Pursuivant, whose duties will be found stated in the returns made by these officers.

In *Ireland* there are no corresponding officers.

COURTS OF CHANCERY.

Petty Bag Office in England.

In *England* there is an officer called Clerk of the Petty Bag, whose duties are connected with the Common Law side of the Court of Chancery, and who is assisted in his duties by a clerk.

Clerk of the Crown and Hanaper in Ireland.

In *Ireland* there is an officer called Clerk of the Crown and Hanaper, whose duties principally relate to the regulation of proceedings on the Common Law side of the Court of Chancery, and the preparing and issuing of patents and of such writs as are not issued by the Clerk of Appearances and Writs. His duties will be found detailed in the returns made by him. This officer is assisted by three clerks.

Officers of the Master of the Rolls.

OFFICERS OF MASTER OF THE ROLLS.

Secretaries.

In *England* the Master of the Rolls has a Principal Secretary and a Secretary of Causes and Decrees.

In *Ireland* the Master of the Rolls has a Secretary.

The duties of the Principal Secretary of the Master of the Rolls in England and of the Secretary of the Master of the Rolls in Ireland will be found fully stated in the returns made by those officers. Their duties are much the same in both countries, with the following exceptions—

In *Ireland* the Secretary of the Master of the Rolls approves of and signs public advertisements of proposed orders in cases where such are directed by the Court, receives caveats or objections consequent on those advertisements, and sees that the advertisements have been correctly published before the orders are made out by the Registrar.

In *England* there are no corresponding duties performed by the Secretary of the Master of the Rolls.

Secretary of Causes at the Rolls (England).

In *England* there are two clerks in the office of the Secretary of Causes at the Rolls.

In *Ireland* there are no clerks in the office of the Secretary of the Master of the Rolls.

In *England* the Secretary of Causes receives all petitions for orders of course and draws up the orders thereon; he also receives all Petitions for hearing at the Rolls, ascertains that orders directing the vacating of receivers' recognizances upon passing their accounts and payment of their balances have been complied with previously to the Roll being brought to the Master of the Rolls for his order to vacate the recognizance, and affixes the official seal to the order, thereby authorizing the Clerk of Enrolments to attend his Honour with the Roll for that purpose; enters caveats against enrolling decrees, and performs various other duties which will be found specified in the return made by that officer.

In *Ireland* there is no Secretary of Causes. The duties of the Secretary of the Master of the Rolls are confined to summary petitions upon which an order for hearing has been made by the Lord Chancellor. Orders upon all other summary petitions are drawn up in the Office of the Secretary of the Lord Chancellor, and orders of course, or as they are termed in Ireland, side bar rules, in the Registrar's Office.

Gentlemen of the Chamber at the Rolls (England).

In *England* there are two Gentlemen of the Chamber at the Rolls, whose duties will be found stated in the returns made by those officers.

Clerk in the Rolls Court and Crier (Ireland).

In *Ireland* there is a Clerk in the Rolls Court whose duties will be found stated in the return made by that officer. There is also a Crier of the Court whose duties are stated in the return made by the Secretary of the Master of the Rolls in Ireland.

The Judges Chambers.

Judges Chambers in England.

In *England* the Master of the Rolls and each of the three Vice Chancellors has attached to his Court two chief clerks, two junior clerks to each chief clerk and also two assistant clerks, and the Master of the Rolls has also one additional clerk to assist the chief clerks, performing similar functions, and one assistant clerk to such additional clerk. The duties performed by the chief clerks and the officers under them are of a very multifarious nature and will be found stated in the returns. The duties of the chief clerks are performed by them under the immediate superintendence of the Judge with whom the chief clerks communicate upon all questions of difficulty.

In *Ireland* no business being transacted in the chambers of the Equity Judges, there are no officers corresponding with the officers attached to the Courts of the English Equity Judges for assisting them in the transaction of judicial business in chambers.

The Masters Offices.

Masters' Offices in Ireland.

In *Ireland* each of the four Masters in Chancery has attached to the office an examiner and an assistant clerk, a registrar, and, at least, one scrivenery and comparing clerk. In one of the offices there is an additional examiner, and there are two assistant clerks, who also perform the functions of registrar instead of there being one assistant clerk and one registrar.

In *England* the office of Master in Chancery having been abolished by the Act of 15 & 16 Vict. c. 86, and the duties of the office having been transferred to the Judges assisted by the chief and other clerks appointed in pursuance of the Act there are no officers corresponding with these officers in Ireland.

Office of the Taxing Masters.

Office of the Taxing Masters.

The duties of this office in each country correspond. The nature of these duties will be found fully set out in the returns made to Her Majesty's Commissioners, and already referred to.

In *England* the staff of this office consists of seven Taxing Masters and 14 clerks, two clerks, styled first and second clerks being attached to each master.

In *Ireland*, the staff of this office consists of three Taxing Masters and three clerks, besides an occasional clerk.

In *England*, the duties of the first and second clerk attached to each master are separately defined, and will be found stated in the returns already referred to.

In *Ireland*, the three clerks who are indiscriminately attached to all the Taxing Masters, perform the respective duties mentioned in the Minutes of the Taxing Masters of the 10th June 1856, and the 7th November 1856. These duties will be found set out in the returns already mentioned.

Solicitor to the Suitors' Fund (England).

Solicitor to the Suitors' Fund.

The duties of this office in England will be found fully set out in the returns already referred to.

In *Ireland* there is no corresponding office, nor, except in so far as its duties relate to the protection of the rights of infants and lunatics, in which respect it corresponds with the office of Solicitor for Minors and Lunatics, are any of the duties of this office performed in any department of the Court of Chancery in Ireland.

Solicitor for Minors and Lunatics (Ireland).

Solicitor for Minors and Lunatics in Ireland.

In *Ireland*, the duties of the Solicitor for Minors and Lunatics, which correspond with one branch of those performed by the Solicitor for the Suitors Fund will be found fully set out in the returns already referred to.

In *England* there is no separate office, such as that of Solicitor for Minors and Lunatics. The duties performed by this officer in Ireland form part of the duties discharged in England by the Solicitor to the Suitors Fund.

The Registrar's Office.

Registrar's Office.

In *England* the staff of the Registrar's office consists of 11 Registrars, 14 clerks, 11 assistant clerks, two clerks of entries, and two bagbearers.

In *Ireland* the staff of the Registrar's office consists of two Registrars, one Assistant-Registrar, one chief clerk, three senior clerks, two junior clerks, one additional clerk, one cash clerk, and two clerks of records.

The duties of the Registrars in both countries are to a great extent the same with the following exceptions:

In *England* each Registrar attends the sittings of the Court at least three days in every week, during the terms and sittings of the Court and takes notes of all decrees and orders of the Court. The business of the Court is distributed according to the arrangement stated in the returns.

In *Ireland* the Registrars and the Assistant-Registrar attend the sittings of the Lord Chancellor and the Master of the Rolls each day during the sittings of the Court according to the following arrangement. One or both of the Registrars attend the sittings of the Master of the Rolls, and the Assistant-Registrar attends the sittings of the Lord Chancellor. The Registrars and Assistant-Registrar take notes of all decrees and orders made by the Lord Chancellor and the Master of the Rolls, which are afterwards formally prepared under the superintendence of the Registrar or the Assistant-Registrar attacheo to that branch of the Court by which the decree has been pronounced. But as the jurisdiction of the Lord Chancellor in petitions (under the 15th section of the Chancery Regulation Act) is entirely confined to making the primary order of reference, and the jurisdiction of the Master of the Rolls in relation to cause petitions of this class is confined to the hearing of appeals from orders of the Masters, the large class of judicial orders made by the Masters on cause petitions under the 15th section of the Chancery Regulation Act are not prepared in the office of the Registrars or under their direction, but by the Examiner of the Master by whom the order is made, and from

COURTS OF CHANCERY.

Statement of Differences in Official Establishments in England and Ireland.

Messrs. Barber and Jellett.

notes taken by his Registrar; and all the duties which in the case of general cause petitions are performed by the Registrars of the Court or in the Registrar's office are, in cause petitions, under the 15th section of the Chancery Regulation Act, performed by the Registrar or Examiner of the Master. All decretal and other orders pronounced by the Masters are, however, entered in the Registrar's office, as stated in Mr. Jellett's separate statement.

In *England* the senior clerk ballots for conveyancing counsel and makes out the rota of the attendance of the Registrars in the different Courts.

In *Ireland* the senior clerk has no corresponding duty.

In *Ireland* the senior clerk (called the chief clerk) examines solicitors' dockets for side bar rules, examines the rules when made up, previous to their issuing, and sets down causes for hearing in the manner described in Mr. Jellett's statement.

In *England* the corresponding duties are performed by the two junior of the 14 clerks in the Registrar's office, what are termed side bar rules in Ireland corresponding with orders of course in England.

In *Ireland* there is a clerk called the Cash Clerk, whose exclusive duty it is to receive the office fees and account for them to the Registrar.

In *England* the assistant clerks keep accounts of the fees on each decree and order, but the fees being paid by means of stamps no cash is received by the assistant clerks.

In *England* the entering clerks enter all *præcipes* for attachments.

In *Ireland* the record clerks, who correspond with the entering clerks in England, have no corresponding duty to perform.

In *England* there are two officers called bagbearers, whose duties are prescribed by a letter from the Principal Secretary of Lord Chancellor Cranworth of the 27th day of August 1853, and will be found fully detailed in the returns already referred to.

In *Ireland* there are no corresponding officers.

The Enrolment Office.

The Enrolment Office.

The Enrolment Office in England corresponds with one branch of the office of the Deputy Keeper of the Rolls in Ireland. But as the office of the Deputy Keeper of the Rolls in Ireland embraces a pleading department, and involves the discharge of duties which in England are performed by the Clerk of the Records and Writs, the offices cannot be said strictly to correspond.

In *England* the staff of this office consists of the Clerk of the Enrolments and four subordinate clerks.

In *Ireland* the staff of the office of the Deputy Keeper of the Rolls consists of the Deputy Keeper of the Rolls, the clerk, and assistant clerk of enrolments, and two scrivenery clerks, whose services are employed both in the enrolment and pleading departments. In addition to the foregoing staff the pleading department, which is another branch of this office, consists of a clerk and assistant clerk of pleadings (whose duties are distinct from those of the enrolment department), with the occasional assistance of the two scrivenery clerks above mentioned.

In *Ireland* the Deputy Keeper of the Rolls, and the clerk and assistant clerk of enrolments under his direction, have the custody of the Rolls and other public records of Ireland, from the reign of King John. These records comprise amongst others the public and private statutes passed in the Irish Parliament, commencing in the reign of Henry VI., as also the grants of lands under the Acts of Settlement and Explanation, under the Commission of Grace, in the reigns of Charles II. and James II., and the grants from the Commissioners of Forfeited Estates in the reign of William III. and Anne.

It is part of the duty of the Deputy Keeper of the Rolls and the Clerk of Enrolments to furnish certified copies of these documents when required.

In *England* the Clerk of Enrolments has no corresponding duty.

In *England* the Clerk of Enrolments has the management of recognizances under the 29 Car. II. cap. 3. s. 18. He also has the management of recognizances given in suits in Chancery, and vacates such recognizances pursuant to the order of the Master of the Rolls written in the margin of the roll, by cancelling the enrolment.

In *Ireland* these duties are performed by the Clerk of the Recognizances, whose office constitutes a distinct department.

In *England* the Clerk of Enrolments has certain duties to perform in relation to memorials of annuities and certificates of naturalization.

In *Ireland* no corresponding duty devolves upon the Clerk of Enrolments, or any other officer of the Court.

In *Ireland* the Clerk and Assistant Clerk of Enrolments administer oaths, and take affirmations and declarations verifying affidavits in cause petition matters under the Chancery Regulation Act, and answers in suits instituted by bill. They also issue copies of all documents and certificates when signed by the Deputy Keeper of the Rolls.

The Record and Writ Office.

Record and Writ Office.

The duties performed by the Clerks of Records and Writs in England, which will be found fully set out in the returns made to the Commissioners, correspond in part with those performed by the Deputy Keeper of the Rolls and the Clerk of Enrolments; in part with those discharged by the Clerk and the Assistant Clerk of the Pleadings in the office of the Deputy Keeper of the Rolls; in part with those discharged by the Clerk of Appearances and Writs; and in part with those discharged by the Clerk of Affidavits.

In *England* the staff of this office will be found fully stated in the returns made by the Clerk of Records and Writs.

In *Ireland* there is no office which corresponds either in title or character with the office of Clerk of the Records and Writs. The duties of the office are in Ireland distributed amongst the different offices above referred to.

Accountant-General's Office.

Accountant-General's Office.

The duties of the Accountant-General correspond as nearly as possible in the two countries, but the business of the office is differently distributed.

In *England* the office of the Accountant-General contains four divisions according to the initial of the plaintiff's name, or of the substan-

Courts of Chancery.

Statement of Differences in Official Establishments in England and Ireland.

Messrs. Barber and Jellett.

tial word in the title of the particular matter, amongst which the business of the office is distributed. Each of the first three divisions has a principal or chief clerk and seven subordinate clerks, the fourth division having an additional or ninth clerk. The distribution of business in these different departments will be found set out in the returns already referred to. The first or chief clerk of the office has a department to himself not attached to any particular division, but in connection with all of them. He is assisted by one of the junior clerks. The whole establishment therefore consists of 35 clerks, viz., eight in each of three of the divisions, nine in the remaining division, and two in the chief clerk's room. The duties of these officers will be found fully set out in the returns already referred to.

In *Ireland* the staff of the office consists of a chief clerk and seven subordinate clerks. There is no division of the duties of the office amongst different departments as in England.

The Examiner's Office.

The Examiner's Office.

The duties performed in the Examiner's office in each country correspond, to a great degree, with some unimportant differences.

In *England* the staff of the office consists of two Examiners and two clerks.

In *Ireland* the staff of the office consists of one Examiner, two chief clerks, and three scrivenery clerks.

In *England* the Sworn Clerk of the Examiner receives the deposit required to be made by the General Order of February 1862.

It is his duty to transmit to the Record and Writ Clerk's Office copies of the depositions and evidence taken before the Examiners.

In *Ireland* no deposit is required to be made, as in England, and the depositions, when taken, are filed in the Examiner's Office. The Examiner or his clerk has therefore no duties to perform corresponding with those above-mentioned.

In *England*, the depositions taken before the Examiner, when reduced to writing, are transmitted to the Clerk of Records and Writs, to be there filed.

In *Ireland*, the depositions when taken and reduced to writing are filed in the Office of the Examiner.

The Lunacy Offices.

The Lunacy Offices.

These offices are, in England, divided into three departments:—(1) The Office of the Masters in Lunacy; (2) The Office of the Registrar in Lunacy; (3) The Office of the Visitors in Lunacy.

In *Ireland* there are Commissioners in Lunacy, but their office is exclusively judicial. There are also a Clerk of Custodies (whose office corresponds with that of Registrar in Lunacy in England), and Medical Inspectors.

The Masters in Lunacy.

The Masters in Lunacy.

In *England*, the staff of this office consists of two Masters in Lunacy, a first clerk and eight subordinate clerks.

In *Ireland* there are two Commissioners in Lunacy whose duties are exclusively judicial. They perform their duties without any subordinates.

The duties of the Masters in Lunacy in England will be found fully detailed in the returns already referred to.

In *Ireland* the duties performed in England by the Masters in Lunacy are, so far as they relate to their proceedings, reports, and inquiries under references made by the Lord Chancellor performed by one of the Masters in ordinary of the Court. The other duties of the Masters in Lunacy in England, with the exception of the holding of inquiries under commissions de lunatico are performed in Ireland by the Clerk of the Custodies. Inquiries of Lunacy are held by the Commissioners in Lunacy.

In *England* inquiries of Lunacy may, by the direction of the Lord Chancellor, be tried on an issue in one of the Superior Courts.

In *Ireland* all inquiries, except in cases in which the inquisition has been traversed, are held before the Commissioners in Lunacy.

Courts of Chancery.

Statement of Differences in Official Establishments in England and Ireland.

Messrs. Barber and Jellett.

Masters.

The Registrar in Lunacy.

The Registrar in Lunacy.

In *England* the staff of this office consists of a Registrar in Lunacy and four clerks. The duties of these officers will be found stated in the returns already referred to.

In *Ireland* the staff of the office of Clerk of the Custodies, which corresponds in a great measure with the office of Registrar in Lunacy in England, consists of the Clerk of the Custodies and two clerks. The duties of these officers will be found stated in the returns already referred to.

Visitors in Lunacy.

Visitors in Lunacy.

In *England* there are three Visitors in Lunacy of whom two are Medical Visitors, and the third a Barrister. They have a common secretary, and each of them has a clerk.

The Commissioners visit all lunatics resident in England and Wales, and found lunatics by inquisition. Their other duties will be found detailed in the returns already referred to.

In *Ireland* there are two Medical Inspectors for the county of Dublin, and 27 for other counties or parts of counties where lunatics under the care of the Court are resident. Their duties, except that they are each limited to a particular district, are the same as those of the Visitors in Lunacy in England, and will be found detailed in the returns already referred to.

Subordinate Officers.

Subordinate Officers.

In addition to the above mentioned officers, there are attached to the Lord Chancellor and the various Courts of Equity in both countries and the offices connected therewith, ushers, tipstaffs, messengers, court-keepers, and housekeepers, whose duties are similar in both countries.

(Signed) C. Chapman Barber.
Hewitt P. Jellett.

12th May 1863.

APPENDIX R.—EVIDENCE as to OFFICIAL ESTABLISHMENTS of the COURT of CHANCERY in IRELAND.

COURT OF CHANCERY IN IRELAND.
Evidence as to Official Establishment.

CONTENTS.

Page

Minutes of Evidence, Part I., 15th March, 1864:
Mark Perrin, Esq., Lord Chancellor's Secretary, ... 155
William Neilson Hancock, LL.D., Clerk of Custodies in Lunacy, ... 157
Minutes of Evidence, Part II., 16th March, 1864:
Maziere Brady, Esq., Clerk of Affidavits, ... 158
Yelverton Dawson, Esq., Clerk of Appearances and Writs, ... 159
Hon. Henry Sugden and William Dwyer Ferguson, LL.D., Registrars, ... 161
Richard W. Buchanan, Esq., Clerk of Records, ... 164
Minutes of Evidence, Part III., 17th March, 1864:
James Walker, Esq., Clerk of the Recognizances, ... 165
John Reilly, Esq., Deputy Keeper of the Rolls, ... 165
Minutes of Evidence, Part IV., 4th May, 1864:
Ralph S. Cusack, Esq., Clerk of the Crown and Hanaper, ... 167

MINUTES OF EVIDENCE—PART I.

OFFICE of COMMISSION, FOUR COURTS, DUBLIN.—TUESDAY, 15th of March, 1864.

Present—The RIGHT HON. THE LORD JUSTICE OF APPEAL (in the Chair); RIGHT HON. JOSEPH NAPIER, HON. MR. BARON HUGHES, and W. NEILSON HANCOCK, LL.D., Secretary.

MARK PERRIN, Esq., Lord Chancellor's Secretary, examined.

Mark Perrin, Esq., Lord Chancellor's Secretary.

1. Baron *Hughes*.—The Commissioners are anxious to obtain some information as to the general conduct and management of business in your office, with a view to see whether any and what amendments would be necessary. You fill the office of Secretary to the Lord Chancellor?—Yes.

2. From what period have you filled that office?—Since June, 1859—four years and nine months. I filled the office for a year and three months during a previous Chancellorship.

3. Then you have nearly six years experience of the duties in connexion with the office?—Yes.

4. For the purpose of the present inquiry the Commissioners wish to know what you consider the peculiar departments of the Secretary's office?—His chief duty is to read the summary petitions laid before the Lord Chancellor.

5. Is it his duty to read all petitions?—No; only the summary petitions; that is to say, petitions relating to lunacy and minor matters, and to matters under various Acts of Parliament giving peculiar jurisdiction. I also read all documents lodged in connexion with them, to see that the proper evidence is furnished for the satisfaction of the Court. Then I draw out the fiat for the Chancellor's consideration.

6. What are the heads of the duties transacted in your office?—The petitions, the Chancellor's official correspondence, and the preparation of the different warrants for the Hanaper Office.

7. Enumerate them?—Warrants for magistrates' commissions, supersedeas, and reinstatement; for writs for the election of coroners; for commissions of delegates in appeals from the Admiralty Court. These are the chief warrants; but there are warrants in other cases which are rather uncommon, warrants occasionally for writs of prohibition. They are applied for to the Chancellor in vacation. Those I have mentioned are the chief warrants.

8. Then I understand from you that matters relating to magistrates and coroners, and minor and lunacy matters are the heads of the duties that pass through your office?—Yes.

9. Now, in connexion with the magistrates, is there any permanent department in your office in which is recorded the transactions of preceding Chancellors respecting the magistrates of the country?—No; there is not. Each Secretary takes away his own papers.

10. Even though some of those papers may be connected with the public conduct of magistrates and the superseding of magistrates?—Yes.

11. Is your correspondence from its nature properly divisible into public and private?—In point of fact there is no part of the correspondence which has been intrusted to me that I can call private.

12. Is there not some correspondence with magistrates—the magistrates wish to be looked on as confidential?—I do not know of any such.

13. From your experience can you state what the number of dismissals of magistrates has been within the last six or eight years?—Not more than three or four.

14. What record is to be found of the date and particulars of these dismissals?—The warrants are in the Hanaper Office.

15. Then you send the warrant for superseding to the Hanaper Office, and you yourself preserve no entry of it?—No; except in my letter-book, which is my private property.

16. What the Commissioners wish to know is this, whether a succeeding Chancellor when he goes into office has any record respecting the magistrates during his predecessor's time?—He has not.

17. Now, in respect of coroners. A coroner is elected on a writ issued from the Hanaper Office, which writ is issued on a warrant from the Chancellor's Secretary's Office—is that so?—Yes.

18. Have you any record of the issuing of those warrants in your own office?—No; except in this way, that the fees payable on the warrant are entered from day to day, and the fee books are preserved in my office.

19. But in the particular department in which the operation takes place there is no record?—There is not.

20. If a succeeding Chancellor wished for information as to the coroners for the county Down, for instance, in respect of which a change had taken place, would he find in any book the date of the issuing of the warrant for the election of a particular coroner?—No; except amongst the cash payments.

21. There is no index of the nature of the business in the book recording the cash payments?—There is not.

22. Does the Chancellor's Secretary's Office contain a complete list of the magistrates of Ireland?—I have a book furnished to me from the Clerk of the Hanaper; he keeps this list written up.

23. Do you know when he made that list?—He first made it about four years ago.

24. I find no trace of that in the Report of 1858?—It was, I think, since Mr. Cusack's appointment. There is a book, I am aware, preserved in the Hanaper Office, in which the name of each magistrate, on his appointment, is entered; and when information is received of the death of a magistrate, his name is struck out, or when he is superseded or removed.

25. Does the Chancellor take any action on a magistrate being dismissed as an insolvent or becoming a bankrupt?—The Chancellor has not in my experience superseded for that, unless there is some additional reason.

26. Are you aware of any case in which, without actually superseding a magistrate, the Chancellor thought it necessary to censure his conduct?—There have been several cases in which the Chancellor spoke with warning.

27. Such as to say it should not occur again?—Yes, several cases.

28. Have you any record of that class of correspondence which could be transmitted to a successor of a Chancellor?—No, except in a letter-book under the name of the particular magistrate. There is no other record. That letter-book is my private property, and can be carried away by me.

29. Is there any instance you recollect in which there was necessity to warn or censure the conduct of coroners, by communication with them?—Yes.

30. Is that class of communication only contained in your private letter-book?—That is all.

31. And it is liable to be removed when a Chancellor goes out of office?—Yes.

32. Have you got in the office a complete list of the coroners for every county in Ireland?—No, I have not—no list at all. I do not think there is such a list in existence; but I believe they are making it out in the Hanaper Office for the first time.

33. Actually making it out at the present time?—Yes.

34. You have already stated that your duty in respect of minor matters and lunacy matters was to read the summary petitions presented in each; where do those petitions remain?—They are filed in the Registrars' Office.

35. Do you know whether they are filed as being in matters of minority or lunacy?—No; they are only filed as petitions. There are volumes of those petitions. All the cause petitions are filed in the Rolls Office; the lunacy petitions are filed in the Lunacy Office.

36. Where are Receivers' accounts in minor matters kept?—In the Registrars' Office.

37. And where are the orders in minor matters kept?—In the Registrars' Office. The orders made in Court are taken down by the Registrar. Those made by the Chancellor in Chamber are written on the petition, and signed by him.

38. Are orders on petitions in minor matters, whether made by the Chancellor in Chamber, or made in Court on motion, and signed by the Registrar, kept in the Registrars' Office?—Yes.

39. And are they intermixed with the general orders of the day?—The orders remain on the petitions.

40. But petitions on which orders are made are mixed up with the other petitions of the day?—Yes; in every case there must be some order on the petition.

41. When an incoming Chancellor takes office, or when the Chancellor in office has his attention called to any particular minor matter, is there any department, or head of department, which can give him a history of that minor matter?—There is not.

42. *The Lord Justice of Appeal.*—Can that be at all done?—No, except by referring to the solicitor in the minor matter. There is no tabulated history of any minor case. There are all the materials for finding out the information in the books in the Registrars' Office, but not otherwise.

43. Baron *Hughes.*—Are there any documents at all in respect of minor matters in your office?—No, not regularly speaking. I am making a list of the minor matters. I began about two years ago, and I have prepared a form for the solicitor, to give me information as to the name of the minor, the names of the guardians, and the amount of fortunes. In the majority of cases I got the information, but there were no materials in the office for making it out. I searched the registry-book, and found out a list of minors, and having found out the names of the solicitors, got them to give me gratuitously the information I required.

44. Do you think it would assist the despatch of business by the Chancellor, to have all the papers and documents in minor matters in your office as secretary?—I think not. I think it would be better to have the petitions filed in the Registry Office, and have a note taken in the Secretary's Office of the orders made in each case; but each order of the Chancellor ought to be filed in the Registry Office indexed, so that there would be no trouble in finding it.

45. Suppose the Chancellor's Secretary's office had a permanent staff, not removable with the Chancellor, and a permanent head of that department, to be subservient to the Secretary for the time being of the Chancellor, would it, under such circumstances, be convenient and tend to the despatch of business, to have all the documents in a current minor matter, actually kept in custody of the staff of the office, and accessible in the department?—I think the present course would be more convenient to the public and the solicitors, who have occasionally to take out copies of the orders. I think they would find the present course more convenient for them.

46. Irrespective of the convenience of solicitors, and having regard to the business of the Chancellor superintending minor matters, would it be better or would it not, to have all the documents connected with each current minor matter in the custody of a particular staff in the Secretary's office, with such a note as to the nature and character of each matter as that the Chancellor could be at once apprized of it?—I think it certainly would.

47. Do you think in connexion with the discipline and control of magistrates and coroners, it would be convenient to have the commissions and supersedeas, suspensions and warnings, all within the control of a permanent branch of the same office?—I think it would. I do not know whether you are aware how a magistrate is appointed. He fills up a certain form of paper containing answers to queries as to his qualification, &c. This the Lieutenant of the County sends to the Chancellor with his recommendation. If any complaint should afterwards be made against a magistrate, it frequently occurs that the Lord Chancellor wishes to refer to these documents. In such a case the Secretary for the time being communicates with the Secretary of the Chancellor who made the appointment, and I never yet had a case in which these papers were not at once furnished.

48. In such cases you would have to apply to the ex-Secretary of the ex-Chancellor who made the appointment?—Yes, and from him get the documents. In some cases the documents may have been mislaid by the ex-Secretary, or delay occasionally takes place in furnishing them, but I never yet have been refused.

49. How often has it occurred that you could not get them?—Very seldom, if ever.

50. Do you not think these documents ought to be retained in a permanent branch of the office?—Yes.

51. Do they not often furnish checks in respect of representations in dealing with magistrates, when questions arise as to propriety of conduct?—They do.

52. Does the same observation apply to coroners. Do you think the documents connected with their appointment should be kept in the custody of a permanent staff?—The documents connected with the appointment of coroners are in the Hanaper Office. The warrant for the appointment of a coroner is always drawn out on the certificate that a vacancy has occurred.

53. And on the warrant the writ issues to the sheriff for the election of the coroner?—Yes.

54. And it is returned to the Hanaper Office?—Yes, with the name certified on the back.

55. But there is no record in the Chancellor's office of who is the coroner under that writ?—No; he sees no more about it.

56. You have stated that in respect of a censure on a magistrate no record remains in the office to guide the conduct of a future Chancellor in relation to it?—No record.

57. In respect of lunacy matters, is the same course of conduct pursued as to petitions, orders, and accounts in minor matters?—The petitions and accounts are all preserved in the lunacy department.

58. Would that course be convenient to apply to minor matters?—I think it would.

59. The details of the office we have from your returns?—Yes.

60. Is there anything you would wish to suggest on the subject of your office and the management of it?—I do not think there is.

WILLIAM NEILSON HANCOCK, LL.D., Clerk of Custodies in Lunacy, examined.

61. Baron *Hughes*.—What office do you hold in connexion with the Court of Chancery?—I am Clerk of the Custodies in Matters of Idiots and Lunatics.

62. What documents are in your office?—All the documents; first of all, the petitions and then the Chancellor's heads of orders, or minutes of orders, accounts, and reports from the Masters.

63. Are the orders kept in your office?—Yes, a copy is kept of each order. There are the accounts and reports of the Masters and all the affidavits which are filed, such as the petitioners' affidavits. Orders, affidavits, accounts, and reports are all in the office.

64. Is there any document connected with the conduct and management of lunacy matters which is not in the office?—Yes, the original inquisition and the finding on it, which is in the Hanaper Office.

65. And if the Hanaper Office were consolidated with the Chancellor's Secretary's office, and your office also consolidated, the entire of the documents connected with a lunacy matter would be all in one office?—Yes, except statements of facts in the Master's office, making the foundation of the report. They do not come in, and it would be desirable that they should come in with the reports. We do not get them, and they are mixed up with the Master's papers. Great inconvenience is sometimes caused in looking up these, for you have to search in the Master's office to get the papers.

66. Your opinion is, these documents ought to accompany the report of the Master?—Yes; for the greatest possible convenience is found in keeping documents together.

67. Have you, in the discharge of your duty, kept any record or minute of the conduct of the proceedings in any lunacy matter?—Yes; since the Chancery Offices Commission in 1858. After that the Lord Chancellor drew up new orders with regard to the Lunacy Office, one directing an abstract to be made of the orders regarding the care of the lunatics, and also directing the committee of the person to furnish a statement as to how each lunatic is circumstanced. That statement is then sent to an independent medical gentleman appointed by the Chancellor for each county, who inspects the lunatic, and answers certain queries respecting such lunatic. Whenever any case is pending in the Master's Office, this statement and report of the Medical Inspector goes before the Master. It has been without any increase of the expense as compared with the former system, to the lunatic, and the Master is thus enabled to know how every thing stands. Master Brooke and the other Masters consider it gives great facility in dealing with lunatic matters, without putting the parties to serious expense.

68. *The Lord Justice of Appeal*.—That is an annual proceeding?—It is returned annually.

69. Baron *Hughes*.—From your experience in the lunacy department, and your experience generally as a barrister, could that system be applied to the current minor matters of the day?—I have been engaged as a barrister in some heavy minor matters, where the accounts had got into confusion. I have examined them, and found the error always arose in consequence of there being no official to look after the minors periodically. Until some one's attention is called to it, the matter may go on for several years, and the whole thing get into confusion. When the new system was introduced in the Lunacy Office, it was found that there were people who had not accounted for ten and twenty years; and they are now made to account regularly. Where they do not account a letter is written, and the General Solicitor is put in motion, and makes them account. The same way, if a particular order is not carried out, I get the Secretary's assent to ask for an explanation, and the General Solicitor is set to work to have the order obeyed. If they neglect, an official receiver is appointed in place of the private friends, and takes charge of the case. There are several cases where private parties were removed under such circumstances. Precisely the same system could be applied to minor matters, if parties were asked to give an annual statement of how the case of a minor stood, then where there was neglect, it would at once come under the notice of the Secretary of the Lord Chancellor.

70. If your office is removable with that of the Lord Chancellor's, and if you were removed to-morrow, and your successor appointed, would he find in your office a record of the current lunacy matters, representing all the details you have now stated to the Commissioners?—He would.

71. Do you see any reason why that system could not be applied to minor matters?—I think it could be applied with great effect to minor matters.

72. Do you see any objection to your branch of the business in the Court of Chancery being made a permanent department of the office of the Chancellor's Secretary?—It is virtually a department of the Secretary's Office at present. I am under the Secretary of the Chancellor in the lunacy matters; but respecting what Baron Hughes has thrown out as to the consolidation of the staffs in the Lunacy and Hanaper Offices with the staff in the Secretary's Office, I think they could do the minor business as well as the lunacy, and business relating to magistrates, &c.

73. That is not exactly what I want to know. Your office is subsidiary to the Secretary's Office of the Lord Chancellor?—Yes.

74. It is, however, an independent office?—Yes.

75. Do you see any objection to the office itself, with all its records and documents, being transferred to and consolidated with the Secretary's Office, as a portion of the permanent branch of that office?—None whatever; in fact the experience the clerks have in it would facilitate it, and the same principle could be extended to minor matters.

76. Have you any suggestion to offer to the Commissioners in connexion with the office which you hold, in addition to what you have already stated?—I think the plan of getting an account from committees of the persons might also be extended to committees of the estates; but that is a mere question of detail. There is another matter I would direct attention to, namely, the very small number of lunatics that are protected under the Court of Chancery. I believe there are only about 140 cases under the Court, and the main cause of that is the enormous expense of commissions *de lunatico*. The juries are always paid special. When Mr. Napier was Chancellor, he made an order that the expenses of the commissions should not exceed a certain amount, and it was found, including Sheriff's fees and all, that the minimum expense was £60. The practical effect is, that out of several thousand lunatics in Ireland, only about 140 are protected under the Court. If that preliminary expense was done away with, the Court could

protect three times the number. There is another matter to be mentioned. Some valuable reforms have been recently carried out in the lunacy department in England, which have not been extended to Ireland. Instead of adopting the course pursued in this country, they find it more convenient to have a large portion of the expenses of the office levied by a per-centage on the property. That does not interfere with the business, and it is found to work well. A similar system has been thought of for this country, but the expense has been considered a difficulty. They have a large official staff in England for managing the business, but that is not necessary here. No Master of Lunacy with a special staff would be required. Part of the business would be done by the Receiver Master, and part in the Secretary's Office, and there would be no occasion for the large machinery which they have in England. By simply taking advantage of the services of the existing officers, there would be no occasion to increase the staff or the expenses, and at the same time at least twice the number of lunatics might be protected.

77. *The Lord Justice of Appeal.*—What suggestion would you make respecting the preliminary inquiry?—I think the preliminary inquiry could be managed before the Judges of Assize or a Common Law Judge in Dublin. Those commissions were originally tried before a Master in Chancery; but Lord St. Leonards, in order to save the Masters somewhat when the business got very heavy, relieved them from that particular duty, and had special commissioners appointed. Originally they were all held in that way before Masters in Chancery, and in very small cases before magistrates in the country.

78. Baron *Hughes.*—Have you any other suggestion to make, Dr. Hancock?—No.

(Adjourned.)

MINUTES OF EVIDENCE—PART II.

OFFICE of COMMISSION, FOUR COURTS, DUBLIN.—WEDNESDAY, 16th March, 1864.

Present—The RIGHT HON. the LORD JUSTICE OF APPEAL; The RIGHT HON. JOSEPH NAPIER; The HON. MR. BARON HUGHES, and W. NEILSON HANCOCK, LL.D., Secretary.

MAZIERE BRADY, Esq., Clerk of Affidavits, examined.

79. Baron *Hughes.*—What office do you hold in the Court of Chancery?—Clerk of the Affidavits.

80. What assistance have you in your office?—One conducting clerk, two comparing clerks, and two scrivenery clerks.

81. You were examined before the Commission of 1858?—I was.

82. I have your examination before me—has there been any change in your office since that period?—No change.

83. Either in the conduct of the business, or in the staff of the office?—No; it remains exactly as it was.

84. In 1858 you suggested the propriety of giving you power to take affidavits?—I did.

85. These powers have not been conferred upon you since?—No. It would require an Act of Parliament.

86. By the Report of 1858, the Commissioners suggested the amalgamation of your office with that of the Clerk of Recognizances?—They did.

87. Did you see any objection to the principle of that amalgamation?—No. It was a matter of detail. I may mention I had one objection, which was a personal one, in reference to the staff of the office—that the proposed amalgamation would have brought another person over the head clerk in the office who had been there for over thirty years.

88. Your office is confined, I believe, to the deposit of affidavits that are not affidavits in cause petition matters?—It is confined to all the affidavits which are not affidavits in answers to cause petitions.

89. That is in the nature of pleadings?—The first affidavit. By an order of Mr. Napier, in 1859, all affidavits in cause petition matters, except affidavits by way of answer, were directed to be filed in my office from and after the 6th June, 1859. That was by a general order of the Court in June, 1859.

90. *The Lord Justice of Appeal.*—How does it stand at present?—It stands now as changed by that order of 1859. In my office every affidavit is filed, except affidavits in cause petitions in the nature of pleadings, and affidavits in lunacy.

91. Baron *Hughes.*—Suppose a solicitor was preparing for a motion in the Rolls, or a hearing before the Lord Chancellor, and required for that purpose an attested copy of an affidavit not in the nature of a pleading; a copy of an affidavit in the nature of a pleading; a copy of an order of the Lord Chancellor in an ordinary matter, not being a lunacy matter; a copy of an order of the Lord Chancellor in a lunacy matter connected with the proceeding; an attested copy of a recognizance, suppose of a receiver or of a tenant; and a copy of a pleading in a *scire facias* upon that recognizance; how many offices would the solicitor have to go to for the attested copies of these six documents?—The first document mentioned was one not in the nature of a pleading, for that he should come to my office; the second document he would get in the Rolls Office; the third document in the Registrar's Office; the fourth in the Lunacy Office; the fifth in the Recognizance Office, and the sixth in the Hanaper Office.

92. In fact to obtain the six documents I have enumerated, and which are not unusual documents to require for a proceeding, a solicitor would have to go to six different offices?—Yes.

93. Are you aware that in the English Court of Chancery there is an office called the Office of Records and Writs, in which the greater number, if not the entire of these offices are consolidated?—I am.

94. How long is your office in existence?—My office, under the name of "The Affidavit Office," has been in existence since 1836. Previously to that, the affidavits were in the custody of the Usher of the Court of Chancery, whose office, I believe, existed from the time of James II. I have documents in my office dating as far back as 1663. That is about the earliest date, as well as I can recollect, without referring to the document.

95. Are you able to state what your experience is respecting the accumulation of documents in your office for the last twenty-eight years?—They have accumulated very rapidly.

96. Do you think it would tend to facilitate both your office and the profession in the transaction of

business to have the documents more than twenty years old removed?—Very much.

97. And to continue that course from time to time, so as to make the office a depository for documents not exceeding twenty years of age?—Yes. My office is nearly overstocked at present. I am obliged to keep some of the documents on the floors till I make room by packing them close together.

98. What is your experience in respect of the occasional necessity of solicitors to refer to affidavits more than twenty years old. How often in the year do solicitors ask in your office for copies of affidavits more than twenty years old?—I should say there are not more than half a dozen applications every term for documents over twenty years old.

99. *The Lord Justice of Appeal.*—Are there so many?—There are, especially at the time of the Assizes. In this vacation there have been taken out several copies of documents as old as 1790, or earlier. In the case of Whaley *v.* Massarene, there have been at least a dozen of old affidavits required.

100. Baron *Hughes.*—Are all the affidavits alphabetically arranged in your office, irrespective of the period at which they were filed. What arrangement is there to enable you to find an affidavit for a solicitor, an affidavit for instance of 1790, in the case of Whaley and Massarene?—They are filed alphabetically according to the dates. For instance, I bind the documents in letter A in a book form, during a certain period; I bind these letters A in consecutive order according to their dates of filing; letter B in the same way, and so on.

101. That is done with the affidavits now coming in?—Yes.

102. I ask with reference to the documents that were in your office before 1836. Take the instance you gave, 1790; are these documents bound?—No.

103. Are they in open presses?—They are tied up in rolls on shelves, alphabetically arranged according to their years and months.

104. Their safe custody depends on their being tied, they are not bound or filed?—They are not bound. They are filed.

105. That is technically speaking?—Yes.

106. They are not bound together?—Not in books.

107. Do you see any objection to all the documents in your office over twenty years being transferred to the Rolls Office when the new building is complete?—No. It would be a very great advantage to my office.

108. Would it facilitate the despatch of business and the arrangements in the office to make it the depository of only what might be called the affidavits in relation to the current business?—It would. The new procedure diminished the number of affidavits under the old procedure in my office very much. The accumulation is not owing to the change of practice, because there was an infinitely greater number of affidavits under the old procedure.

109. The affidavits under the new procedure being divided into affidavits in the character of pleadings and affidavits not in the character of pleadings, your portion, being those not in the character of pleadings, is less under the new procedure than it would have been under the old; though if the two classes of affidavits were put together, the total would be greater?—That is owing to the diminution of business in the country. Each case would represent a greater number of affidavits under the new procedure than under the old.

COURT OF CHANCERY IN IRELAND.
Evidence as to Official Establishment.
Maziere Brady, Esq., Clerk of Affidavits.

110. If your office were consolidated with the Recognizance Office, as suggested by the Commissioners' Report of 1858, and with that department of the Registrar's Office which is connected with reports and accounts, and with the Office of Writs and Appearances, do you think it would facilitate the despatch of business to have all the documents connected with current proceedings in the Court of Chancery in one consolidated office, and to have all the other documents not connected with the current business deposited in the Rolls Office; that is, to have but two offices as the depositories of the entire of the documents?—I do, with the exception of the documents you mentioned connected with the Registrar's Office; because I apprehend the documents connected with the Registrar's Office in England are not filed in the Record and Writ department.

111. As I understand the constitution of the Registrar's Office of the Irish Court of Chancery, and the Registrar's Office of the English Court of Chancery, the distinction is this, that we have in the Registrar's Office of the Irish Court of Chancery a Clerk of the Records?—Yes.

112. No such clerk being in the Registrar's Office in England. And the Irish office has a portion of what apparently, to my judgment, is not the business of the Registrar's Office, which, in my opinion, should be confined to orders; it has the reports and the Receivers' accounts. A matter under the consideration of the Commissioners is the propriety of assimilating, in that respect, as well as in others, the Irish Registrar's Office to the English, by taking out of it the Clerk of the Records, and bringing him into the Record Office, and bringing with him the documents under his control. The Registrar's Office ought simply be the depository of the orders, and not of the documents on which the orders are founded. It does not contain the pleadings; it never did; and it ought not, in my opinion, contain either the Masters' reports or the Receivers' accounts, on which orders may be made. They ought to be as ordinary records in the Record Office. By some course of proceeding, the origin of which it would perhaps be difficult to discover, there has arisen in the Registrar's Office a Clerkship of Records, the officer filling which has charge of Receivers' accounts and Masters' reports, upon which orders have been or are made. Ought not these to be in the Record Office?—I think that would be an improvement.

113. It would be, in that respect, an assimilation of the Registrar's Office of the Irish Court of Chancery to the Registrar's Office of the English Court of Chancery, and an assimilation on a principle which appears to me to be quite sound—namely, that the Registrar's Office ought not to be the depository of what are in the nature of records and pleadings, or other documents on which orders are founded?—Yes.

114. Have you any suggestion to make to us in respect of your office and its consolidation with any other office?—No suggestion except what appears already in the Report of 1858, relating to the giving power to the Clerk of Affidavits to take affidavits. That, I think, is most essential. There is also the suggestion as to the substitution of stamps for fees.

YELVERTON DAWSON, Esq., Clerk of Appearances and Writs, examined.

115. Baron *Hughes.*—You are Clerk of Appearances and Writs?—Yes.

116. And have been so since the institution of the office?—Since 1836.

117. You were previously one of the Six Clerks?—From 1827.

118. Your duty is to issue the writs connected with the equity jurisdiction of the Court of Chancery?—Yes.

119. You are aware that a number of writs issue from the Office of the Clerk of the Crown and Hanaper, from the petty bag side of the Court of Chancery, and otherwise?—Yes.

120. Do you see any objection to having all the writs of the Court of Chancery at one side or the other issued from one office?—Not the least. At this moment my office is almost idle in consequence of the alteration of the practice. The doing away with bills and substituting petitions has done away with the subpœnas to

Yelverton Dawson, Esq., Clerk of Appearances and Writs.

appear and answer, the writs of dedimus to take answers, which makes a very great alteration in the way of the duties of the office being greatly lessened.

121. My question was directed more to the principle than to the time occupied in the performance of the duties?—I should say that one office ought to be able to accomplish all, either the Hanaper Office take in mine, or my office take in the Hanaper.

122. It was not suggested by the Report of 1858 that your office should be consolidated with any office in the nature of a record office. Are you aware that in England an office called the Record and Writ Office has this character? It is the depository of all the affidavits and the documents generally of the current business of the Courts?—I am not aware of that.

123. And every class of writ issues from the office called the Record and Writ Office. Do you see any objection (assuming, of course, that the proper assistance was given for the discharge of the business) to putting the Affidavit and Recognizance Office, the Appearance and Writ Office, and the Hanaper Office upon a principle of consolidation?—If the office was sufficiently extensive.

124. That is sufficiently extensive in point of space?—Yes, with sufficient accommodation and a sufficient number of hands, it might be accomplished. But I doubt that it would be so satisfactorily accomplished as it would be by having it divided into two parts. It would be a great deal to take the entire into one office. Yet it could be done.

125. Have you considered the question of the consolidation of these departments?—No. In my office there are received the fees formerly received by the Six Clerks. If that were done away with, as I think it ought to be done away with, and stamps substituted, it would give additional room, and more time for any other purpose. But it takes a clerk or two constantly to receive the fees. To show you what little value these fees are now, and what little use there is in keeping that office for the purpose, I may refer you to my evidence before the Commission of 1858, in which you will see that the receipts in 1848 were £11,990, very close upon £12,000; that was for the year ending 19th October, 1848, while for the year ending the 19th October, 1858, that is ten years after, they amounted to £3,751 9*s.* 3*d.* You see the great falling off in the amount of those fees received in my office.

126. *The Right Hon. J. Napier.*—All that could be done by stamps?—Yes. Up to the 19th of October, 1863 (that is the last year) the fees have fallen to £2,599 0*s.* 4*d.* So the fees which were £11,990 in 1848, have fallen now to £2,599, not sufficient to pay the expenses. I think that is strong evidence in favour of doing away with that office.

127. To what do you attribute that?—I think it is owing to the alteration in the practice and the operation of the Landed Estates Court.

128. Baron *Hughes.*—How much of the time of the staff of your office is occupied in the receiving of those fees?—The office remains open from half-past ten o'clock till four o'clock in term. The clerk in that office, Mr. Keatinge, sits the greater part of the day idle; but he must be there. Now a person will come in to pay a fee and get a stamp, and perhaps in an hour another person will come in. After one o'clock when the service of notices cease, the office might as well be locked up.

129. That would be remedied by substituting stamps?—Yes. Then the receipt of fees would be done away with.

130. You have mentioned the name of Mr. Keatinge?—Yes.

131. It appears upon the face of the report of the Commissioners of 1858 that you then recommended, as you do now recommend, that stamps should be substituted for the payment of fees in money, a change that would have rendered Mr. Keatinge's office unnecessary. The Commissioners recommended that there should be an increase of the salaries of all the clerks in the office, except in the case of Mr. Keatinge, whose office it was then supposed would be abolished. But the office was not abolished, and the result now is this, that while the clerks have had their salaries increased, Mr. Keatinge has received no increase, and remains as he was before the report?—That is so; I say that if ever there was a man ill-treated, Mr. Keatinge is that man. I am sure that the Commissioners of 1858 were fully impressed with the belief that a bill would have been immediately brought in for the abolition of Mr. Keatinge's office. It so happens that was not done, and now Mr. Keatinge, who was the senior clerk, at £300 a-year, receives still the same salary. The first clerk under him who then had £150, has now £400 a-year, and the Notice Clerk, who had £100 a-year, has now £190. This treatment of Mr. Keatinge has put him into a state from which I fear he will never recover; I should say that what injured him was not the pecuniary loss, but the injustice of the treatment.

COURT OF CHANCERY IN IRELAND. — Evidence as to Official Establishment. — Yelverton Dawson, Esq., Clerk of Appearances and Writs.

132. What has been his period of service?—He is in the office since it was opened on the 19th of October, 1836. There is no blame attached to any one for the manner in which he has been treated.

133. It has arisen from the not anticipating the failure of legislation?—Yes.

134. Are you of opinion that Mr. Keatinge is entitled to be dealt with upon the same principle as the other clerks, and having regard to the period at which the increased salaries of the other clerks commenced?—I have not the least hesitation in saying so. I have always found him most attentive, most correct. I never go into the office that I don't feel pained seeing the man treated as if he had committed some serious offence. The clerk who is under him has a larger salary now than he has.

135. From the existing state of business in your office are you of opinion that a larger department could be intrusted to the staff of the office?—By increasing the staff of the office.

136. As the office stands at present more business could be done in it?—There could.

137. The staff of your office could despatch more public business than they do at present?—They could, particularly if stamps were substituted for fees.

138. Do you know that there is a clerk in the Registrar's Office of the Court of Chancery for receiving fees whose duties would cease if stamps were substituted for fees?—I believe there is a person in the Registrar's Office whose sole duty it is to receive fees.

139. And who receives a salary of £250 a-year?—Yes, Mr. Hobart. If stamps are introduced, of course there will be no longer occasion for that officer.

140. What is your opinion with respect to the consolidation of offices?—I do not see any objection to the consolidation of the Affidavit Office, the Office of Writs and Appearances and the Recognizance Office. That portion of the duties discharged by the Assistant Clerk of Pleadings in the Rolls Office and that portion of the duties discharged in the Registrar's Office by the Clerk of the Records and his assistant. All pleadings, affidavits, recognizances, reports, and accounts not twenty years old to be deposited in that office, and when twenty years old to be removed from it and deposited in the office of the Deputy Keeper of the Rolls; the management of that consolidated office to be under two heads of department, one in respect of the records and the other in respect of the writs, both officers of equal authority and both superintending the entire department, and both principal officers to have power to attest and take affidavits and to seal writs.

141. Suppose a solicitor was preparing for a motion in the Rolls, or for a hearing before the Lord Chancellor, and that he required for the purpose an attested copy of an affidavit, not in the nature of a pleading; a copy of an affidavit in the nature of a pleading; a copy of an order of the Lord Chancellor in an ordinary matter, not being a lunacy matter; a copy of an order of the Lord Chancellor in a lunacy matter connected with the proceeding; an attested copy of a recognizance, suppose of a receiver or of a tenant; and a copy of a pleading in *scire facias* upon that recognizance; suppose the solicitor required these six documents for a single motion in the Rolls, to how many offices would he have to go to get the six documents?—He would have to go

to as many offices as there are documents enumerated. To enable a solicitor to get all these documents in one office would be a great facility; but the carrying out of that arrangement well could be done only by an intelligent and proper staff. If you bring such a quantity of business into one range of offices, unless you have a very good head or two, and a very intelligent staff, you will have a great deal of confusion. My impression is that the more you press together the more confusion there will be. I would not press in too many offices unless you put them so separate from each other that they would still be distinct offices; have one range down stairs and another range up stairs.

142. *The Lord Justice of Appeal.*—Suppose the consolidation took place, and that proper and competent persons superintended the several departments, would not that be a vast improvement?—I think it would. When the present Writ Office was established in 1836, the Cursitors' Office was abolished, and Sir William M'Mahon made an order that all papers and documents in that office should be sent into me, that they should be entered in a book by the clerk giving them up, and an affidavit made that he gave me a true return of the several documents. The clerk sent over sixteen sacks of papers and put them at the top of the stairs. I had no room for them. He gave me no return or affidavit respecting them. They remained for years where they were placed. There are persons in the establishment who used to steal a sack one night, in a couple of months more another sack, and they never stopped till the sixteen sacks were taken away. The papers were never heard of after.

143. What were the contents of the sacks?—Replevins and such other papers that came into the Cursitors. They were not important.

144. They were all of that description?—Yes.

145. Baron *Hughes.*—Is not the accumulation of papers in your office a consequence of the division of duties, and there being no one head of department who can say what documents ought to be kept and what ought to be treated as waste?—I think the notices ought to be preserved.

146. Do not you believe that the subordinate officers in the different departments think, and rightly think, it their duty to preserve all documents; and would not the difficulties in that respect be removed if there were a competent officer, with power to decide what documents ought to be retained, and what ought to be got rid of as useless?—A man of experience would be able to distinguish what papers might be gotten rid of, and what should be kept.

147. From your professional and official experience, do you not know that there is a great accumulation of documents in the offices of every department of the Courts, documents that are wholly unnecessary, and ought to be removed?—I will say that I have never been in those offices, and that they will best answer for themselves; but from what I know of my own office, I would say that there must be a great accumulation of useless papers in every other office. There is in my office a vast accumulation of papers which are of no value.

148. Would it, in your opinion, be sufficient to keep documents for twenty years in the office for current business?—I would say that would be abundant time, particularly when you say the papers more than twenty years old would be transferred to safer custody.

148. *The Lord Justice of Appeal.*—Those likely to be required would be, at any time during twenty years, immediately accessible?—Yes. It has occurred to me, that just now the alteration could be very fairly carried out, because of the quantity of business taken out of the Court by reason of the change of practice and the operation of the Landed Estates Court.

150. Baron *Hughes.*—And by reason of the state of the country generally?—Yes; but it has occurred to me, that in the course of years, when lands should become incumbered again with marriage settlements and charges of various kinds, that as the wheel goes round business will increase, and the Court of Chancery will become crammed with a variety of business that does not now exist; and then, if you have too many offices crowded into one, it may be found very difficult to manage the offices and do the business.

151. Do not you think it would be advisable and practicable for the public business to assimilate our offices to those of the English Court of Chancery, in which the business is far in excess, both in the number and character of the cases, of what the business has ever been in the Irish Court, and in which the consolidated offices have worked well for twenty years?—I should say so; and if it can be done in England, I don't know why it should not be done here. I think the period for keeping documents in the office might be fixed at twenty years, power to be given to the head of the Court to order the transfer of documents less than twenty years old from the office if it seems proper to him to do so.

The Hon. HENRY SUGDEN and WILLIAM DWYER FERGUSON, LL.D., Registrars, jointly examined.

152. Baron *Hughes.*—You are both Registrars of the Court of Chancery?

Mr. *Ferguson.*—Joint Registrars.

153. You were both examined before the Commission of 1858?—We were.

154. What do the documents deposited in the Registrars' Office consist of?

The Hon. Mr. Sugden.—Receivers' accounts, reports, side-bar orders, certificates from the Landed Estates Court.

155. What documents have you in the Registrars' Office in the nature of pleadings—I believe there are only reports and accounts?—Nothing but reports and accounts.

156. Excepting your own decrees and orders, have you any documents in your office in the nature of records, in addition to Masters' reports and Receivers' accounts?—Arbitration awards and Judges' certificates.

157. That is, awards in matters of arbitration, Judges' reports and certificates?

Mr. *Ferguson.*—And consents. The documents in the Registrars' Office in the nature of records consist of Masters' reports, Receivers' accounts, Arbitrators' awards, Judges' reports and certificates, and consents and petitions.

158. That is, petitions to the Chancellor, not in cause petition matters?—Yes.

159. You have in the Registrars' Office a Cash Clerk, whose duties would cease if stamps were substituted for cash payments?

The Hon. Mr. Sugden.—Yes.

160. You have a clerk called "The Clerk of Records," and his assistant, in whose custody the Masters' reports and Receivers' accounts are?—Yes.

161. Has he the custody of any other documents?—Decrees, orders, consents, petitions, awards; all these go to him. In fact he has charge of everything which has passed the Registrars. The Record department should not properly belong, and it never properly belonged to the Registrars' department. But you must also bear in mind that there is an intention of removing all the records from the Record department of the Registrars' Office to the Deputy Keeper of the Rolls; that is, all documents more than twenty years' old.

162. Do you consider it would facilitate the despatch of business, and convenience both the profession and the officers, to have all documents over twenty years' old in every department of the Court of Chancery, including the Registrars' Office, deposited in the Rolls Office?—Yes, I would transfer documents in even a less period than twenty years.

163. What less period would you say?—I should think ten years; any document over ten years.

164. What do you say, Mr. Ferguson?

Mr. *Ferguson.*—I would say the same.

165. Would you approve of fixing the period at twenty years, giving a power to the Lord Chancellor to make an order for the transfer of documents in less than twenty years, whenever it seemed fit so to do?

The Hon. Mr. Sugden.—Unless you had a fixed rule to go upon, you could not get a proper staff to begin with.

166. Twenty years would be the rule?—If that were the rule, you might get too large a staff to begin with.

167. It has been recommended by some to make it twenty years, with power to the Lord Chancellor to make the period less for any one office as would appear fit?—With regard to our office, I would say the period ought to be fixed, and I would say ten years.

168. Do you think it would facilitate the business of the Registrars' Office to remove from it reports, accounts, and the other documents enumerated in the nature of pleadings, that are unnecessary for the purposes of orders?—Our office, I consider, is worked so well at present, under the arrangement made by Lord Chancellor Napier, that any alteration you made would not be injurious, but I don't think it would benefit us at present, the thing is working so smoothly. I have no doubt whatever that a public office in a proper position would be very convenient.

169. If it is necessary to make other offices perfect, do you see any objection to the principle of consolidation?—Not at all; I see no objection.

170. For the purpose of making the Record and Writ Office perfect, do you see any objection to removing your records to that Record and Writ Office?—None.

171. And in the event of cash payments being superseded by stamps, do you see any objection to the officer who now receives the cash payments being transferred to the Record Office?—Not the slightest.

172. Do you see any objection to the petitions in minor matters being put in the custody of what may be called a permanent Secretary, or permanent head in the Secretary's Office of the Lord Chancellor? At present petitions in matters of lunacy are in the Lunacy department, and not in the Registrars'. In England the minor matters are almost altogether in what may be called the department of the Chancellor's Secretary's Office?—I see no benefit to the public to arise from it; but I see very great inconvenience to the Lord Chancellor for the time being.

173. The arrangement of the Registrars' Office, in respect of its officers, I believe, is at present this: there are two joint principal Registrars, represented by you and Mr. Ferguson?—Yes. And I may mention that I think it objectionable. Without any communication from me to Mr. Ferguson, he mentioned the matter to me this morning. I have always held that a divided responsibility in the head of the office might lead to very great difficulties. Myself and Mr. Ferguson have acted most cordially together. We have not had any disagreement, but the arrangement might lead to unpleasantness. A misunderstanding between the two might lead to serious mischief.

174. Have the kindness to state how the duties of the office are divided between you and Mr. Ferguson and Mr. Drury?—The arrangement of the business at present is this:—That I attend to the Master of the Rolls for three days in the week, on motion days, and I attend in the office for three days in the week. Mr. Ferguson attends the other three days of the week in the Rolls and he takes the remaining three days in the office settling the orders. Mr. Drury takes the Lord Chancellor's Court altogether. He does not take much of the office business.

175. That is, while the Lord Chancellor is sitting, he takes the entire duties of the Court?—Yes.

176. Suppose the Legislature carried out the recommendation contained in the Report made last session as to the appointment of a Vice-Chancellor, what arrangement would you suggest in respect of his Registrar?—There would have to be another Registrar. It would be utterly impossible for each man to take the duties of a Court, and to discharge the office duties also.

177. Now, having regard to the Vice-Chancellor being a Judge of the Court of Chancery, would you recommend the Registrar of his Court to be appointed from your office, according to the seniority of the present officers, or that a new officer should be appointed?—I would have no objection to either course.

178. Would you not give a trained officer the position, say the first clerk?—The first clerk is perfectly competent to be Registrar; but, as I stated before, I think it most injurious, with so small a number of men, having such duties to discharge, to expect to secure a succession of good Registrars from six salaried clerks. I gave that evidence in 1858, and I am still more confirmed in it from what I have seen since. Mr. Ferguson then came into the office, and declined to give an opinion. I don't know what opinion he would give now.

179. Mr. *Ferguson.*—My opinion is the same. Mr. Martley is as admirable an officer as can be, and I think would make an excellent Registrar. I speak of the system, and I think the system is not likely to lead to efficient Registrars.

180. You think Mr. Martley qualified to discharge the duties of Registrar?—Yes.

181. *The Hon. Mr. Sugden.*—But you think the principle of appointing from so small a number is objectionable?—Yes. In England they have eleven Registrars, and over twelve clerks. The consequence is that there is succession in three or four years. In this country you may be fifteen years without any succession. A man appointed at twenty or twenty-five years of age to a junior clerkship, put to discharge certain mechanical duties and run about an office, is not certainly qualified, at fifty or sixty years of age, to make a good Registrar. It is all plain sailing at present. Supposing, for instance, that I was to resign, and Mr. Martley was appointed to succeed; you then have six clerks, and except by the death of one of the three Registrars, there is no succession to the Registrarship for twenty years. Then you have men of a certain age come in who will only remain to make up their time and go, and you will have the junior clerk over all coming in. You will have them all swept out, a new set of young men. Things will go on plainly and smoothly for the time being; but the same thing will occur again. I gave the evidence before, and I stated then that I thought the three Registrars ought to be appointed from the bar; that the Six Clerks ought be appointed from the solicitors or apprentices of so many years' standing, and that the succession should stop at the chief clerkship, but that there should be no objection to the Lord Chancellor for the time being taking in one of the clerks and making him Registrar. I also stated that the right of succession should not be a negative power in the Lord Chancellor, but an affirmative power; that he should actually certify the fitness of the man to succeed. It was stated upon that occasion that the Lord Chancellor had been only just appointed and knew nothing whatever of the person who had the right to succeed. I said the same difficulty exists as to the magistrates. The Chancellor knows nothing of the magistrates. He appoints upon the responsibility of the Lord Lieutenant of the county. If he came into office, and knew nothing of the persons in the Chancery Offices, he would call upon the Registrar to certify as to the fitness of the clerk to succeed to the post above him. So, also, I stated as to the graduated salary to be given. It should be given only on the certificate of the Registrar for the time being as to the fitness and diligence of the clerk in the office for the preceding six months.

182. Mr. *Ferguson.*—I prepared a memorandum last night, which, with your permission, I will read. "The Joint Registrarship of the Court of Chancery is submitted to be an inconvenient arrangement, and unlike that of the Court of Chancery in England, in which there is one Registrar at the head of the department. Mr. Ferguson has gladly deferred to Mr. Sugden's seniority in office and greater experience, and felt it to be his duty, and for the public interest, to defer to his

judgment and directions in all matters affecting the regulation of the office, and as was usual, has left all the financial concerns of the office exclusively in his hands. Any other arrangement would manifestly be most inconvenient and injurious to the public service. But in adopting this arrangement the junior Registrar must still retain his full share of responsibility for the conduct of the office and the care of the finance; and if that amount of confidence and good understanding which happily subsists between the present Registrars should be in any degree lessened, serious inconvenience should necessarily result. Mr. Ferguson would therefore submit to the consideration of the Commissioners the propriety of subordinating the establishment of the Registrars' Office under a single responsible head, and is quite willing to concede the precedence, so far as it affects himself, to the present senior Registrar."

183. *The Honourable Mr. Sugden.*—There is another matter, a most important one, about the Accountant-General's drafts, which I mentioned to Mr. Napier when he was Chancellor, and to the present Lord Chancellor.

184. Baron *Hughes.*—Have you any suggestions to offer?

185. Mr. *Ferguson.*—This is a suggestion in which Mr. Sugden concurs with me. I will read what I have written on the subject. "The present plan for the countersigning of the drafts of the Accountant-General of the Court of Chancery by the Registrars is inconvenient to the public, and calculated to bring the administration of the Court into serious discredit. The copy of an order directing the payment or transfer is lodged by the party with the Accountant-General; upon this the latter prepares his draft, which he issues when the party to receive the money or transfer attends at his office and signs a receipt in his books. Then the draft and the copy of the order must be brought by the party to the opposite extremity of the buildings, to be countersigned by the Registrar. It is first examined and entered by one of the Registrars' clerks in a book, for future comparison with the bank books. Then it is to be brought into another office of the department, the cash office, to pay the fee for the Registrars' countersigning; and lastly, it is brought to the Registrars' chamber to be examined and countersigned by him. Even after all this, the draft and order must be brought back to the Accountant-General's office, to return the order and have a blank in the draft filled up. Such an excessive amount of circumambulation may be easy to solicitors and their clerks, but must be most perplexing to private persons, to country gentlemen and ladies, who constitute a great proportion of the parties who present the drafts. Then the Registrars are bound to exact a uniform fee of 6*s.* 2*d.* on each draft, whatever be its amount. In the cases of small funds, payable to widows and orphans, and to charities, appeals are constantly made to the Registrars to dispense with the fee or to reduce it, neither of which have they the power to do. Frequently the fee is exacted on balances of cash which hardly exceed the fee itself, whilst in many cases the fee would exceed the amount of the draft; and parties are compelled to await the payment of small pittances for a year, in order to avoid the expense of the half-yearly drafts. I am informed that many balances are so small as not to be drawn, thereby causing great inconvenience by keeping accounts open in the Accountant-General's books for no good purpose. It is submitted that it would be much for the public advantage that the present fee should not be charged on drafts for small amounts (say under £5), and that a gradual scale of fees on larger sums might be so adjusted as to compensate for the loss occasioned by the remittance. It is also submitted that some plan should be devised to save the public from the inconvenience of traversing so many different offices, in order to have their drafts completed for the bank. It is also submitted whether it would not be expedient that drafts for sums under £5 should not require the countersigning of the Registrar, which occupies a considerable portion of his time, and inconveniences the public unnecessarily."

186. What would you suggest to obviate the inconvenience you describe?

187. *The Honourable Mr. Sugden.*—If there were stamps, that the Accountant-General should send over in a batch every morning at eleven o'clock, the drafts which are to issue that day, they could be compared in the Registrars' Office and signed and sent back, and given to the parties.

188. Would not the effect of your proposition be that the parties should call twice?—Of course. They must call twice now.

189. On the one day?—The party very seldom gets it on the same day. It is a favour if he gets it on the same day. He is obliged to go one day to lodge the order. The order is examined by the Accountant-General. He gives orders to his clerks to prepare the draft. The draft is prepared, and the party comes on another day to get the draft. In the mode I propose the Accountant-General would get the order, and would look at it to see that it was right; that he had proper authority to draw the draft. He would give it into his clerks' department to be drawn, instead of the party calling for it, it would be sent over to the Registrars' Office. We would then compare it, and do all we are bound to do in reference to it, and send it to the Accountant-General, who would then have it ready for the party entitled to receive it.

190. Mr. *Ferguson.*—I understand that in England the plan is this: One of the Registrars goes over every other morning to the Accountant-Generals, examines the drafts, compares them with the orders, and if they are right signs them. It is very seldom a draft is issued on the same day.

191. *The Honourable Mr. Sugden.*—I asked Lord Chancellor Brady to forego the fee in cases of poverty; he said he had no power to do so; and I said I would not take it on myself. I have never remitted the fee, and the consequence is that there are very painful scenes indeed. A fee of 6*s.* 2*d.* for the Registrar signing a draft for about the same amount is a crying evil. If that evil were remedied, if stamps were substituted for money payments, and if the drafts were sent from the Accountant-General's Office every morning for signature to the Registrars, a great boon would be conferred on the public.

192. *The Lord Justice of Appeal.*—Is that fee of 6*s.* 2*d.* imposed by Act of Parliament?—Yes. I tell you candidly the change will be opposed by the profession. The solicitors are entitled to 6*s.* 2*d.* for attending at the signing of the drafts. I wrote to the Law Society to forego that charge, and they would not do so.

193. Baron *Hughes.*—Do you require the attendance of a solicitor for the purpose?—No; but there are three acts to be done. He has to go to one room to get the document compared and entered, and to another to have it signed. There is a great deal of pushing about through passages and rooms of which the public are ignorant, and of which the public justly complain as a nuisance. As to the fee of 6*s.* 2*d.* in poor cases, women come frequently with tears in their eyes asking us to forego the fee. I have said, over and over again, if it were to go into my own pocket I would, but I am obliged to account on oath for all these fees. It is fourteen years since I first mentioned this matter with a view to have it remedied. I mentioned it to Mr. Blackburne, Mr. Napier, and to Lord Chancellor Brady.

194. *The Lord Justice of Appeal.*—I don't remember ever hearing of it before?—You said you would attend to it, but you went out of office immediately after.

195. Baron *Hughes.*—Is there any other suggestion you wish to make?

196. Mr. *Ferguson.*—I would suggest that the senior Registrar in Ireland, Mr. Sugden, who is twenty-three years in the Court of Chancery, should not be placed on a level as to salary with the fifth to the eighth of the Registrars in England, where there are eleven. The Chancery Commission of 1858 raised the salaries of the Assistant Registrar and chief and every other clerk to the full, or to very nearly the same scale as the corresponding officers in England; while it left the senior Registrars just as they were; that is, on the same scale with the eighth of the English Registrars, whereas they should be at least on an equality with the second class, if any relative or just proportion or gradation had been observed. There are two Registrars to each Court in

England, and but one in Ireland, which makes the disparity of salary the greater.

197. *The Honourable Mr. Sugden.*—There is a matter with respect to serving notices at the last known residence. The persons who serve the notices say they served it at the house of the party in the country, for instance; I think they ought to be required to add in the affidavit that the man to whom the notice is directed was residing at the place at the time the notice was served. A man may have been abroad for ten years.

198. What documents are served in that way?—Side bar and other orders served upon country gentlemen. Parties come in and say they left the document at the person's house. The service is now personal.

199. In courts of law the affidavit of service goes on to state that the individual is residing at the place where the notice is left?—It is not so with us.

200. In common law if the affidavit does not contain all the requisites it will not be received?—We are bound by usage. There is one thing certainly would be very beneficial to the office, and that is, that the Lord Chancellor should affirm the fitness of the man to be promoted, and not merely put a negative for unfitness. A man has a right to promotion in the office unless it should appear to the Lord Chancellor that he is not fit. I would make it imperative upon the Lord Chancellor to certify as to the fitness of the officer.

201. *The Right Hon. Mr. Napier.*—That he should give him a preference?—To certify as to his fitness.

COURT OF CHANCERY IN IRELAND.
Evidence as to Official Establishment.
The Hon. Edward Sugden and William Dwyer Ferguson, LL.D., Registrars.

Richard W. Buchanan, Esq., Clerk of Records.

RICHARD W. BUCHANAN, Esq., Clerk of Records, examined.

Richard W. Buchanan, Esq., Clerk of Records.

202. Baron *Hughes.*—You are Clerk of the Records in the Registrars' Office?—Yes.

203. As such you have the custody of what documents?—Petitions in minor matters and causes; Decrees and orders (of Master of the Rolls and Lord Chancellor), Masters' orders, Masters' reports, exceptions to reports; Receivers', Guardians', and sequestrators' accounts; Masters' Certificates, Bank Certificates, Landed Estates Court Certificates; deeds of submission, awards, consents, Writs of perambulation and partition; attachments, sequestrations, injunctions; Judges' certificates, Lords' orders, Orders and petitions of the Court of Appeal, orders and other documents of Equity Exchequer; Masters' returns; writs for examination of married women; commissions to examine parties out of jurisdiction; orders of English Courts of Chancery exemplified, and a vast number of original deeds, wills, &c., lodged on hearing of old causes, and by orders of the Court.

204. What is the earliest period these documents extend back to?—There are old books of 1636.

205. They are in fact all documents of the same class from that to the present time?—Yes.

206. *The Lord Justice of Appeal.*—All in the same department?—All in the same department.

207. Baron *Hughes.*—Do you see any objection to all the documents of the classes you have enumerated, which are of more than ten years date, being placed in the Rolls Office for custody?—None, whatever.

208. Do you think ten years would be a proper period to fix, or would you have it greater or less?—I think ten years would be quite sufficient.

209. You think all documents within ten years would include the current business of the Court?—I do.

210. *The Lord Justice of Appeal.*—It would be a great convenience to you to have all the others removed?—Yes, it would facilitate the business of the office materially.

211. Baron *Hughes.*—There is to be a public record office, in which all documents above a certain period are to be placed. We want to know how long would it be necessary to keep documents in the several offices for the purposes of the current business. You think ten years would be enough?—I think ten years would be quite sufficient.

212. Do you see any objection to the transfer of your department, with all the documents, say within the ten years, to an office to which the records generally of the Court of Chancery for the period of ten years would be transferred?—No.

213. It has occurred to us that it is anomalous to keep your department in the Registrars' office?—I think so.

214. You think your department should be a distinct department?—I do.

215. Do you see any objection to the transfer of the documents of your department to a department which would include all the documents of the Court of Chancery for ten years to answer the current business? Suppose there was a Record Office similar to that in the Court of Chancery in England, in which all the documents would be kept, instead of having some in one office and some in another, as it is in Ireland; do you see any objection to your office and its documents being brought into that office?—I do not.

216. Do you think your office would prove a proper portion of the Record Office of the current business of the Court?—I do. I believe to the Record and Writ Office in England, the orders are only sent down annually. In my department they are sent down every day, and I issue them, have copies made and sign them; in fact, as the Assistant-Registrar used to do. He now has none of these duties to perform.

217. How do you keep the documents in your office?—There are two large rooms entirely full, in which the records are kept in wooden presses.

218. Have you any suggestions to make in respect of the conduct of the business in your office, or the security of the documents in it?—As it is at present, I fear it could not be made better, but I think a great many improvements might be made in a newly-constituted department.

219. You think it would conduce to the efficiency of the office to have it confined to the documents required for the current business, say for ten years, and the rest removed to the Record Office?—I think so.

(Adjourned.)

MINUTES OF EVIDENCE—PART III.

OFFICE of COMMISSION, FOUR COURTS, DUBLIN.—THURSDAY, 17th March, 1864.

Present—The RIGHT HON. THE LORD JUSTICE OF APPEAL; The RIGHT HON. J. NAPIER; The HON. MR. BARON HUGHES; and W. NEILSON HANCOCK, LL.D., Secretary.

JAMES WALKER, Esq., Clerk of Recognizances, examined.

220. Baron *Hughes*.—You are Clerk of the Recognizances?—I am.

221. You were examined before the Commission of 1858?—I was.

222. How long have you been Clerk of the Recognizances?—Since April, 1858.

223. The Report of the Commissioners of 1858 recommended that all recognizances perfected in Dublin should be taken in a certain way, and if taken in the country should be transmitted by the Commissioner to your office, so as to secure their condition being the same as that in which they were acknowledged?—Precisely.

224. Has that been done since?—It has; by a rule which I drew up to have that enforced, and which was signed by the Lord Chancellor, the Lord Justice of Appeal, and by the Master of the Rolls. That was in March, 1860.

225. There was another recommendation made, that was as to the form of the enrolment of the recognizances?—Yes. The Commissioners of 1858 recommended that the enrolling of recognizances should be discontinued, as it only increased the expense and filled the office with unnecessary documents; but on the other hand, that every precaution should be taken to preserve the original recognizances, for which purpose they recommended that they should be written on paper or parchment of a certain size, and with sufficient margin, and be bound up in volumes periodically.

226. Has that recommendation been carried out?—Never.

227. Why not?—Because in fact I thought that it would be carried out by legislation, or by order of the Chancellor.

228. The enrolment is still on strips, and not book-wise?—Yes.

229. How much of the day is actually occupied in the performance of the business of your office, on an average?—I suppose from three to four hours in the day.

230. You are aware that in England your office is not a separate department?—I am.

231. It is part of the office of Records and Writs?—Precisely.

232. It forms a department within the Record and Writ Office?—Yes.

233. But I believe the business of the Recognizance Office is not so great there as it is here?—It is not. There is a great deal more business done here. In fact, I may say, ten times as much.

234. Do you find your business decreased by the decrease in the number of Receivers?—Certainly; but last year we had an increase over the preceding two or three years.

235. Can you give us a statement of the amount of business done in your office for some years past?—Yes; I have documents here that will show that (*hands in the documents*).

236. I see that for the year 1858 the total recognizances filed were 123; copies, 355; vacates, 255; search and certificates, 24; searches, 99; and certificates to register, 318?—Yes.

237. The recognizances are the foundation of the entire business of the office?—Yes.

238. The other matters you enumerate in the return are consequent upon the recognizances?—Yes.

239. The true test of the business of the office is the number of recognizances?—Yes.

240. In 1859 there were 101 recognizances filed, in 1860 there were 97. In 1861 the number was 104; in 1862 it was 115, and the total in 1863 was 130?—Exactly.

241. That seems to show a gradual increase?—Yes.

242. You have nothing to do I believe with any precedure founded upon the recognizances?—Nothing whatever.

243. You never regard anything about it from the time of the enrolment of the recognizance till you get the order for its vacate?—No.

244. You have nothing to do with any procedure founded upon the recognizances. And from the time you receive the recognizance till the time you vacate it you know nothing of the procedure upon it?—Nothing.

245. Does the charge for an attested copy of a recognizance vary?—No; be it long or short the charge is the same. It is a fixed fee.

246. What is the fee?—6*s.* 2*d.* It was 6*s.* 8*d.*, Irish.

247. Independently of your own fees, have you a clerk paid by the Government?—I have one clerk. He is paid out of the Suitor's Fee Fund in Court, according to a scale laid down in the report of 1858, and I pay him for the scrivenery besides, out of my own pocket.

248. Out of your own fees?—Yes. There is no salary attached to the office at all, either for myself or my clerk.

249. Are you now upon salary?—No; I never had a salary; but myself and my clerk were each recommended for a salary by the Commissioners of 1858, which the Lords of the Treasury were unable to carry out without legislation.

250. Is not your clerk upon the Treasury warrant?—Yes.

251. I see it stated in the report of 1858 that the fees of your office amount to about £400 a-year?—That was true then, but they are not so much now.

252. How much now?—The gross fees received by me in the year ending the 29th September, 1859, were £281 4*s.* 4½*d.*; in the year ending 29th September, 1860, £290 8*s.* 5*d.*; in the year ending 29th September, 1861, £247 0*s.* 1½*d.*; in the year 1861 I paid the clerk for scrivenery, £35 6*s.*, the housekeeper for office and sundry small requisites for office purposes, £12 17*s.* 2*d.*; in the year ending in September, 1862, the gross receipts were £225 10*s.* 4*d.*, and the disbursements, £42 0*s.* 11*d.* The gross receipts in the year ending September, 1863, were £220 13*s.* 7½*d.*, and the disbursements, £45 5*s.* 7*d.*

253. Your clerk is now paid under the Treasury warrant, in addition two guineas a week?—Precisely, in addition to the scrivenery which I pay him.

254. There is no other officer attached to your office but yourself and the clerk?—That is all. But I wish to add that a considerable portion of the duties are performed by my clerk in addition to the scrivenery, such as making searches, preparing vacates, drawing certificates, and keeping the office books.

JOHN REILLY, Esq., Deputy Keeper of the Rolls, examined.

255. Baron *Hughes*.—What office do you hold?—Deputy Keeper of the Rolls.

256. You were examined before the Commission of 1858?—I was.

257. Suppose the pleadings of the Court—speaking of pleadings alone—were divided into two branches, one supposed to represent the current, and the other the past pleadings of the Court, which do you think, ten or twenty years, would be the more convenient to include and represent the current business?—I think ten years would nearly include all current business in equity cases.

258. We are asking simply with regard to equity pleadings. You think ten years would include most of the suits?—I think ten years would cover existing suits. There are cases that last longer.

259. Suppose the pleadings of the Court were divided into the two sections, would it be an additional convenience in your department to have it confined to the entire of the records and documents of the Court over and above ten years?—I think, as far as the department was concerned, we could carry on the business well enough; but I think, as far as the public are concerned, it would be better to have all the living business in one office, and all the dead business, so to speak, in another office.

260. Suppose we recommend, and that it is carried out, that your new Record Room should be the depository of all the documents of every class over ten years from the Masters' Offices; for instances, from the Examiners' Offices, from the Lunacy Office, from the Secretary's Office, from the Hanaper, from the Office of Master Fitzgibbon, who represents the Remembrancer; would it facilitate the arrangement of those documents and the despatch of business in your office to have another office, in which everything connected with the current business should be kept, and from which they would be transmitted to your office after ten years?—As far as the office arrangements are concerned it is only a question of having more or less clerks, and more or less business. It would certainly be a great facility to the public not to have to come to an office except for the one class of business.

261. Don't you think, following out that arrangement, a solicitor would find it a great advantage to go to one office for all documents not ten years old, and to another office for all over ten years?—Certainly. As far as the public are concerned it would, no doubt, be an advantage that the documents should be divided as you say.

262. Now, in your office there is a clerk of the pleadings, and his assistant?—Yes.

263. And in your office affidavits are sworn before yourself and another?—Affidavits are sworn before myself and another, Mr. Morrin.

264. Does the taking the affidavits to these pleadings occupy much of the time of yourself and Mr. Morrin?—No; there are not many of them, for a very large proportion of them are sworn in the country.

265. If the arrangement took place that I suggest, namely, dividing the documents into documents under ten years, as representing the living or current business, and those of ten years and over as representing the obsolete or past, the pleadings sworn in Dublin would require to be sworn in the department under ten years?—Yes. The affidavits sworn before us are, strictly speaking, only the affidavits verifying the petition and the answer, and but few of them. We have power to take, and do occasionally take, other affidavits. These affidavits are then filed in another office. It would be an advantage that affidavits sworn in Dublin should be sworn where they are to be filed.

266. If the division of documents took place, could you, without inconvenience to your office as at present constituted, dispense with the Clerk of Pleadings and his assistant in your branch?—If the change you mention were made, so far from our wanting to send away any one, we should require to get clerks from the other offices along with the documents. We should not have clerks enough.

267. He would cease to be Clerk of Pleadings?—He would cease to be Clerk of Modern Pleadings, but he would have all the other pleadings under his charge. We could not, in fact, let the Clerk of Pleadings go; he is learned in reading the records. He is translator and reader for the professional gentlemen who want copies of old documents. I speak of Mr. La Touche.

268. It is not as Clerk of Pleadings you want him, it is as translator and interpreter of old documents. The pleadings would not be enlarged by this arrangement, because there are no pleadings that you have not got. Your other documents will be increased considerably, but your pleadings peculiarly will not. On the contrary, they will be decreased, because the arrangement will take from your office all pleadings under ten years. Therefore I apprehend, though you could not spare Mr. La Touche, who has qualifications for different purposes in the office, still the necessity for having a gentleman called "Clerk of Pleadings" would cease?—We should certainly not require so many hands in the pleading department. I think we should require to have a subdivision in the office, to have a gentleman who would take care of the old pleadings, and others to take care of other matters.

COURT OF CHANCERY IN IRELAND.
Evidence as to Official Establishment.
John Reilly, Esq., Deputy Keeper of the Rolls.

269. That would be merely matter of detail?—Yes.

270. Suppose Mr. La Touche was continued in the office upon his present emoluments and expectations, still you would not have the same business for the Clerk of Pleadings you now have?—Certainly not, if you take away a portion of the pleadings.

271. And all the new pleadings?—Yes; but we should still require to have, as a subdenomination, a Clerk of Pleadings. The affidavits from Mr. Brady's Office would probably go in the department of pleadings. We should still have the old pleadings. The other day an old bill of 1633 was required for the House of Lords; and within the last few days a pleading of 1685 for the assizes.

272. Do you anticipate accommodation in the new buildings sufficient to enable proper arrangements to be made for all the documents of the Court when transmitted to you?—Certainly, if what the architect informed me at the time be carried out. He informed me that they measured all the presses about the Courts, both the law and equity; took the number of cubic feet of presses, and of masses of documents, and multiplied the number considerably, so as to have presses that would not only hold all the existing documents, but the accretion for many years to come.

273. When you get the new building the present Rolls offices will be at the service of the public?—Certainly; there will be a very large extent of building at the service of the public.

274. Would your present offices and Record-room, from their architectural arrangement, suit the business of what we would call the Record and Writ Office in England, that is, for the current business of the Court?—They are a great deal larger than would be necessary for that. They form the first and second floors of the whole length of one side of the western yard of the Courts.

275. As well as I recollect the Secretary's and Hanaper Offices are under the Rolls Offices?—Yes, and the Queen's Bench Crown Offices. Supposing there were Chief Clerks added to the Master of the Rolls under the report of last year, a portion should be retained for their chambers. There is no other place where they could be so conveniently placed. There could be a staircase from his Honor's private chamber into that part of the building. The Architect of the Board of Works told me when he was first making the plan of the new Rolls Office, that he could not build for £10,000 the buildings which will be rendered vacant by the removal of the Rolls Offices.

276. Is the Record Room fire proof?—No. The only approach to fire-proofing is, that they are built upon arches, partly to sustain the great weight of the papers above. The other day a fire broke out at the Angel Hotel. If the wind had shifted that day the Accountant-General's, the Affidavit, and Rolls Offices would have been burned. The present Master of the Rolls many years ago represented to the Treasury the non-fire-proof nature of these offices. It has been under consideration for several years. With respect to the staff under the new arrangement, though we should not require a second Clerk of Pleadings, I think, on the whole, we should require many more clerks than we have at present.

(Adjourned.)

MINUTES OF EVIDENCE—PART IV.

OFFICE of COMMISSION, FOUR COURTS, DUBLIN.—WEDNESDAY, 4th May, 1864.

Present—The RIGHT HON. the LORD JUSTICE OF APPEAL, The RIGHT HON. the LORD CHIEF JUSTICE of the COMMON PLEAS, The HON. MR. BARON HUGHES, R. J. T. ORPEN, Esq., and W. NEILSON HANCOCK, LL.D., Secretary.

RALPH S. CUSACK, Esq., Clerk of the Crown and Hanaper, examined.

277. Baron *Hughes.*—You are Clerk of the Crown and Hanaper?—Yes.

278. When were you appointed?—In 1858.

279. Will you enumerate the departments and duties of your office?—The duties may perhaps be divided into those of Clerk of the Crown, Clerk of the Petty Bag side, and Clerk of the Hanaper. There are three departments comprised in the office.

280. Enumerate your duties as Clerk of the Crown?—I cannot exactly distribute them. There are many points of my duties which I cannot place under any particular head.

281. State what you have to do in connexion with the magistrates?—With regard to the magistrates, I have the issuing of their commissions, upon the warrant from the Lord Chancellor. I have the superseding of magistrates, upon warrants from the Lord Chancellor.

282. You have no duty to discharge between the issuing of the commissions and the superseding, where such a proceeding takes place?—Nothing whatever. I have to keep the rolls of magistrates, and to keep the rolls in order, such as by striking off those who are dead, which is done upon communications with the Clerks of the Peace of the several counties.

283. Is that all you have to do with regard to magistrates?—Yes.

284. Now, what are your duties as to coroners?—I issue the writs to the sheriffs for holding the election of coroners, and I receive the returns, enter the names, and keep the list accurate as to the coroners also.

285. When you were appointed was there any list of the coroners in your office?—None whatever; and the list of magistrates was very imperfect.

286. Would you have been able to make a return of the coroners actually in office on the day of your appointment?—No, I think not. I could not have made any return that I could have certified was an accurate one. I could, of course, have gone through the returns of the sheriffs.

287. Those returns would not have informed you as to those who were dead?—No. I took pains to write to the Clerks of the Peace to ascertain who were dead.

288. Was there a list of magistrates?—A very imperfect one. There was a very large number in each county who were dead. In the county Cork there were a very large number who were dead. There were others struck off as dead who were alive.

289. Struck off by an act in the office?—Yes. I do not know how it was done. Within the last few days a gentleman wrote to the Chancellor complaining that his name was off the list. On inquiry, I found that his name had been taken off, as dead, in 1854.

290. Has your attention ever been called by the Clerk of the Peace to the fact of magistrates becoming bankrupt, or being discharged as insolvent?—No. The only way my attention was ever called to it was by the confidential communications to the Chancellor. They are from the Lord Lieutenants of counties to the Chancellor.

291. Since you were appointed has any magistrate been removed from the magistracy by reason of his being discharged as an insolvent?—No, I think not. I think there were some removed by both Mr. Napier and the present Lord Chancellor upon the representations of Lord Lieutenants of counties, and the representations may have been that the parties were bankrupt, and had parted with their property or left the country.

292. You know only the fact that they were superseded?—Yes; that the Chancellor superseded them upon the representations of the Lord Lieutenants of counties. Neither of the Chancellors has, upon his own motion, superseded a magistrate for being bankrupt.

293. Have you applied yourself to making out a correct list of coroners since you came into office?—Yes. I have it accurate now.

294. Have you a correct list of the magistrates?—Yes.

295. Down to the present time?—Yes.

296. A list showing accurately the magistrates for each county to the present date?—Yes; it is as accurate as the lists of the Clerks of the Peace. I am in communication with the Clerks of the Peace, the Clerks of the Crown, and the Secretaries of the Grand Juries in the several counties.

297. With respect to the commission of the peace under the "Towns Improvement Act," has it very often occurred that the Lord Chancellor has issued commissions to the Chairmen of Towns Commissioners?—He never does so unless they apply.

298. For what period are these commissions issued?—For the tenure of office as Chairman of Commissioners. Three years I think is the tenure of office.

299. Suppose a man receives the commission as Chairman of Town Commissioners, and that he ceases to hold the latter position, what means have you of removing him from the roll of magistrates?—The commission itself states that it is merely during his tenure of office as Chairman, and for such and such purposes.

300. *The Lord Chief Justice of the Common Pleas.*—The commission of the peace is given not for life, but for a limited time?—Yes, in the case of Town Commissioners.

301. Baron *Hughes.*—Has your attention ever been called to a case of a person who received the commission of the peace as Chairman of Town Commissioners, but who continued to act as a magistrate after he had ceased to hold the office of Chairman?—It has. And I have adopted a plan to try and prevent that, with the sanction of the Chancellor. Although I receive the order to issue the commission I do not issue it in such cases till I get in writing a certificate of the term of office of the party appointed. If I receive an order to issue a commission, I do not issue it till I get from the man himself or from the Town Clerk a certificate of the time for which the Chairman is elected.

302. Having issued the commission to a Chairman of Town Commissioners, for his term of office, has your attention ever been called to the fact of a person continuing to act as a magistrate after his term of office had expired?—Yes it has.

303. How has your attention been called to it? Was it from an official, or a private source?—I could not name the case now. I heard of it in one case. I communicated with Mr. Perrin, and it was arranged that in every case we should get a certificate of when the term of office would expire.

304. What I want to know is, whether you have ever heard of an instance of a man continuing to act as a magistrate although his term of office had expired?—I did; I heard of one case.

305. *The Lord Justice of Appeal.*—That was the only case of the kind you ever heard of?—That was the only case. I do not see any check there is on them.

306. Baron *Hughes.*—Have you any duties to dis-

charge in relation to the magistrates and coroners save those you have enumerated?—No, I think not.

307. When a magistrate is the subject of reprimand by the Lord Chancellor the reprimand does not come into your office, and is not recorded there?—No. I know nothing about it.

308. *The Lord Chief Justice of the Common Pleas.*—You have nothing to do in reference to the magistrates except upon the appointment or the superseding, where such occurs?—Nothing else. The Secretary forwards to me the warrant either to appoint or to supersede. The reasons for all these acts are known only to the Chancellor or his Secretary.

309. Baron *Hughes.*—The Secretary has a record which he states to be his own private property—a record in a book of reprimands and censures?—Yes.

310. You have the record of the appointments and supersedings?—I have.

311. With respect to the Petty Bag side of the Court of Chancery—the records of the Petty Bag side are in your custody?—Yes, they are.

312. What is the earliest date of those records in your custody?—I think 1661. I have here the book of the Court of Claims. (*Produces it.*)

313. This, I find, commences in 1665?—Yes. These are, I think, orders taken down in what might be now considered the Petty Bag side. The leaves of this book were in bits when I got it. I had them all put together, and newly bound. Of the Court of Claims I have only two books—1665 and 1666.

314. The oldest record you have at the Petty Bag side is one of 1661?—Yes.

315. What records have you now at the petty bag side of the Court of Pleadings?—The principal records are the Orders of the Court.

316. Have you got the writs of *scire facias*?—Yes. I have the writs and returns.

317. Do you know for what period?—For a very lengthened period.

318. What accommodation have you for the records of your office?—Nothing but presses.

319. How many rooms have you?—Two.

320. How many Clerks have you?—Two Clerks and two Scrivenery Clerks.

321. What are your duties in connexion with the elections of Peers?—I hold the election of Peers.

322. And you issue the writs for the election of members of the House of Commons?—Yes.

323. Do the public go into your office to make inquiries respecting any of the records in it?—Very seldom.

324. Would it be any inconvenience to your office to have the old records removed to the proper Record Office?—None whatever.

325. Would it be sufficient for the current business of your office, as to Magistrates and Coroners, to have the records respecting them for ten years only kept in the office?—I think so. In lunacy matters they occasionally go back farther.

326. I believe the writs *de lunatico inquirendo*, and the returns upon them, are filed in your office?—Yes.

327. Before you were appointed, was there any book regularly kept of the issuing and return of those writs?—None whatever; nor were the writs kept in proper order. They were loose in presses.

328. Do you believe any are gone astray or lost?—I think some must have gone astray. In this book (*produced*) I keep a record of the name of the person, the date of the issuing of the writ, before whom and where the inquiry is held, and the result.

329. What is the date of the earliest writ of *de lunatico* in your office?—1705. Every writ of *de lunatico* in my office has been entered in this book.

330. All these books have been made up under your direction?—Yes.

331. Have you any documents connected with lunacy matters, excepting the writs *de lunatico*, the inquisitions, and returns?—None.

332. Would it not be regular, as matter of arrangement, that the writ, on being returned, should be sent to the Lunacy Office?—Well, I should say the Lunacy Office would be the proper place for it. It would be better to have all documents connected with lunacy matters kept together.

333. Are your duties as Clerk of the Hanaper distinct from your duties as Clerk of the Crown?—I think the patents I issue from my office may come under that head. I get the orders from the Chief Secretary's Office.

334. What entry or record is there in your office of the issuing of the patent to the patentee?—The only entry I have is in the day-books of the office. They are obliged to be enrolled within six months in the Rolls Office. I issue the patents for the appointment of the Lords Lieutenant, Lords Justices, the Judges, for Church livings.

335. These patents do not remain in your office?—No. They become the property of the respective parties.

336. Would it not be a convenience to succeeding Chancellors to have a perfect record of all transactions connected with Magistrates—such as appointments, reprimands, and removals?—I think so.

337. The proceedings as to official reprimands are not in your office at all?—They are not.

338. These are in the custody of the Private Secretary of the Lord Chancellor for the time being?—Yes.

339. And removed by the Secretary upon a change of Chancellor?—Yes. And great inconvenience has resulted from that, to my own knowledge.

340. Have you any papers in connexion with Minor matters?—I have not.

341. *The Lord Justice of Appeal.*—The Circuit Commissions are issued from your office?—Yes.

342. Baron *Hughes.*—They are delivered to the Judges?—Yes.

343. Have you an accumulation of documents in your office that interferes with the transaction of business?—No; I cannot say they interfere with the business. They are getting voluminous, because I have the custody of the Poll Books on the election of Members of Parliament. These books have been retained in the Hanaper Office only since 1852; and, even in that short time, a couple of presses have been filled with them. I keep a Register of Magistrates, under the "Towns Improvement Act."

344. Do the appointments of Masters Extraordinary, under the Court of Chancery, pass through your office?—They do.

345. How many Masters Extraordinary, under the Court of Chancery, are there in Ireland?—I believe about 250. This book I now produce is a Register which I have commenced to keep of the Masters Extraordinary. And I have another book which is a Register of the Resident Magistrates.

346. How many Resident Magistrates are there?—I think about 75.

347. Was there any register of Resident Magistrates kept in the office before you were appointed?—No. I have entered in this book the name of the Magistrate, the date of appointment, the date of death where it occurs, the date of superseding where it occurs. Before I established this book, the roll for each county was on long strips of parchment, the same as the one I now produce, and which is the roll for the county Cork.

348. From the alterations and improvements you have made, you have now correct lists of the Magistrates and Coroners for every county and borough in Ireland?—Yes. I think the lists are as perfect as they can be made.

Office of the Registrar of Judgments, Ireland.

Appendix S.—Evidence as to the Mode of Conducting Business in the Office of the Registrar of Judgments in Ireland.

Office of the Registrar of Judgments, Ireland.

Evidence as to the Mode of Conducting Business.

Evidence as to the Mode of Conducting Business.

CONTENTS.

	Page
I. Minutes of Evidence, 7th April, 1865:—	
Mark Perrin, esq., Registrar of Judgments,	169
William V. R. Ruckley, esq., First Assistant Clerk in the Office of the Registrar of Judgments,	170
II. Return of Proceedings in the Office of the Registrar of Judgments for the years 1848–1853, and 1862–1864,	173
III. Return of Judgments re-registered in the Office for the Registry of Judgments, Ireland, in five years, 1860–1864,	174

I.—Minutes of Evidence.

Office of Commission, Four Courts, Dublin.—Friday, 7th of April, 1865.

Present—The Lord Justice of Appeal, the Lord Chief Justice of the Common Pleas, the Hon. Baron Hughes, the Right Hon. the Attorney-General, R. J. T. Orpen, Esq., and W. Neilson Hancock, ll.d., Secretary.

Mark Perrin, esq., examined.

Mark Perrin, Esq., Registrar of Judgments.

Mark Perrin, Esq., Registrar of Judgments.

1. Baron *Hughes*.—What appointment do you hold?—Registrar of Judgments.

2. You succeeded the late Mr. Scriven, on the 23rd of January, 1865?—Yes.

3. Have you had an opportunity in the interval of making yourself master of the business of the office?—I think so.

4. How many books are kept in the office in respect of matters to be registered in the office?—There is, first, a book for registering judgments; second, a book for registering revivals; third, a book for registering lis pendens; fourth, a book for registering recognizances and Crown bonds; fifth, a book for registering decrees, rules, and orders; sixth, a book for registering re-docketed recognizances, and Crown bonds; and seventh, a book for registering civil bill decrees for poor rates; and there is now a book kept for the re-registering of judgments. The practice used formerly to be to register and re-register judgments in the same book, but since the 17th of November last a separate book is kept for the re-registering of judgments.

5. Confined to judgments only?—Confined to judgments only.

6. When a search is required for all these matters against an individual, how many books does the clerk require to look into?—Into each of these sets of books.

7. That is eight sets of books?—Yes.

8. How many volumes are there in the five years' registry of judgments?—In the period from 1860 to 1864 inclusive, there are six books; each of these books is divided into four volumes.

9. Of judgments?—Of judgments.

10. How many of revivals and recognizances?—Since the commencement of the recognizances there are only four.

11. There are in fact eight kinds of books?—Yes.

12. How many volumes of these books are now in the office to be searched?—We are now in No. 18 of the judgment book; No. 4 of the recognizance book; No. 4 of the lis pendens book; and No. 4 of the revivals.

13. What number of the decrees, rules, and orders?—No. 2. In all there are thirty-four volumes.

14. The clerk would have to search these thirty-four volumes of books at least to give a search?—Yes; that is going back to the beginning of the registry.

15. In how many volumes would he have to search in making a search confined to the last five years?—The search for recognizances is not confined to five years. There are sixteen volumes to be searched in the search for judgments, &c., for five years, and recognizances and Crown bonds for twenty years.

16. Are you able to state from your own knowledge of the conduct of the business of the office whether the duties of the office have been diminished or increased by the judgment mortgages?—I am not, except from the returns which have been made from the office which I have seen.

17. What do these show?—That there is not a decrease; that the business remains about the same as it was.

18. To what do you attribute the extent of the business not having diminished?—Because by the 336th section of the Irish Bankrupt and Insolvent Act, 1857, it is provided that judgments not registered within twenty-one days shall be void against the assignees of bankrupts and insolvents. Whether the party is a trader or not the judgment is to be registered, in order to preserve its validity against his assignees in the event of his becoming insolvent, or in the event of his afterwards entering into trade and then becoming bankrupt. In consequence of this provision, the great majority of the judgments actually obtained are in fact immediately afterwards registered.

19. In respect of recorded negative searches, do you not keep a book in your office confined exclusively to that subject?—We do, in consequence of the provisions of the 11th and 12th Vict., chap. 120, section 1. That section extends both to the registry of judgments here and to the Registry Office in Henrietta-street. We are bound by that Act to copy every negative search in parchment books.

20. How many books of recorded negative searches are there in the office?—There are seventy-seven or seventy-eight. In the course of the last five years sixteen have been filled; the books have been going on since the passing of the Act of the 11th and 12th Vict., which was in 1848.

21. Kept pursuant to that Act of Parliament?—Yes, and they are copied in parchment books.

22. Are you able to state of what value to the public they are?—I do not think they are of any value whatsoever to the public. The public make scarcely any use of them. Last year there were only seventeen attested copies from these books bespoke. The mere recording of them cost the public about £70 a year, the mere scrivenery work. The fees upon these seventeen copies did not amount to more than three or four pounds.

23. Are you able to state that the recording the negative searches, under the 11th and 12th Vict., has been of no value to the public?—Certainly, and besides that, it is not merely the searches in which there are acts that we record, but we record also the searches in which there are no acts. In the majority of searches made in my office no acts appear.

24. Are you able to state the number of recorded negative searches for 1862, 1863, and 1864?—In the year 1862 there were 1,763; in the year 1863 there were 1,923; and in the year 1864 there were 1,799.

25. That is in fact the number of negative searches issued from the office?—Yes.

26. Are you able to state the number of pages occupied by recorded negative searches for the last five years?—Eleven thousand three hundred and fifty-four pages of large folio books.

27. Where a search is required against A. B., does the clerk turn to the record of searches to see is there a recorded search against him, or does he make an independent new search without regard to the recorded searches?—The clerk does not refer to the recorded searches, but I find that the practice has been for the clerks to refer to their slips. When they are searching against A. B. they put down all the acts recorded against him, on a slip of paper, they keep those slips in alphabetical indices for their own advantage, to save themselves trouble afterwards and refer to them.

28. Whether it is a new search or a search against a name already searched against which is bespoke the public pay the same?—Yes.

29. The searching clerk gets the fee as for a new search, and takes advantage of the information contained in his slips to facilitate him?—He does not refer to our books, but he keeps his own slips.

30. *The Lord Chief Justice of the Common Pleas.*—That is, he keeps the materials from which the books are prepared?—Yes.

31. Baron *Hughes.*—Have you considered any plan by which the number of books and the quantity of clerk work in the office could be diminished, and the accommodation of the public increased?—A plan has been suggested to me by Dr. Hancock, by which the actual number of volumes and pages kept in the office would not, I think, be diminished, though not increased, but by which the facilities to the public would be greatly increased: that is, to keep the books as they are kept in the Accountant-General's office, that is to have the volumes divided into names, and according as new acts come in against any name to add them to the others already in the books. The present system of keeping the books is this: according as each memorandum comes in it is handed over to the clerk, whose duty it is to enter up the books, and he enters all the particulars in a line; and he enters the next memorandum in the next line below. If three memorandums came in against the same name he would enter each as a separate entry.

32. And if against different persons came in on the same day?—They are all entered according to the order in which they come in, one line below the other. Under the system suggested by Dr. Hancock, if three memoranda came in against the same name the clerk would enter the name only once, and he would enter each act under that name.

33. Do you mean by the same name the same individual?—I mean the same Christian and surname. That is the only identification we have.

34. *The Lord Justice of Appeal.*—Apparently the same person?—Yes. When a search is made against a person, a great many acts appear against the same name which are not that person's acts at all.

35. Baron *Hughes.*—In fact you would keep the books ledgerwise, like a merchant's books, debiting the party with the acts to be recorded against the same surname and Christian name?—Yes.

36. And where a search was required you would, by turning to the one surname and Christian name, find on the same page in the same set of entries the entire acts recorded against that name?—Yes, I think that would be a great improvement.

37. Are you able to state whether that would increase or diminish the clerk work in the office?—I do not think it would make much difference in the clerk work; the searching clerks now have to search whenever a certificate is required. The searching clerks would then have to search in the books as each memorandum came in to find whether any acts are recorded in the books against the same name. Suppose we had John Smith in the books: if a memorandum came in against "John Smith," our first duty would be to find out whether we had the name "John Smith" already in the books or not. That would entail the work of the searching clerk.

38. That would entail the work of a clerk to search the alphabetical entry?—In the Accountant-General's books the accounts are opened according as they come in. It is an alphabet that is the guide to the ledgers. The ledgers are not kept alphabetically. They are kept according as the names come in.

39. If the alphabet were estimated at say so many letters for each of your books, that is, each book was divided into a certain number of letters in alphabetical order, would not the process of searching be facilitated?—I think it would be impossible to make a book alphabetize itself.

40. If the index were accurately kept would the clerk have more to do than to refer to it for the name?—No.

41. What do you consider would be the effect of keeping the books on the principle you now propose?—While there would not be any increase in the expenditure of the office, but probably some saving, there would be very great additional facility given to the public in getting searches from the office. There would be another advantage in keeping the books in this way. At present when a person comes in to make a search, for instance against the name of John Smith, he is given all the names, the first two letters of which are Sm, to search through, so that in searching against John Smith he can see every name beginning with Sm. For the one payment he can search against all names that begin with Sm, and make extracts in reference to each name. The person searching can thus commit a fraud upon the Revenue by getting a larger amount of information than he pays for.

42. What is the average time now occupied in making a search in the office?—About ten days.

43. Suppose I went into the office and asked for a search against A. B. at once, how long would the search occupy, supposing no undue facility was given to me?—About a week.

44. If the books were kept on the principle proposed, what do you think would be the time required to give a search?—Not twenty-four hours.

45. Would it not be possible, if your plan were carried out, to give a search within two hours?—Quite possible.

46. Mr. *Orpen.*—If the books were so prepared that each book would be sufficient for five years, and that a person had to search for five years against any one name, and that the book was kept in the way suggested, could not the search be made in ten minutes if no act found?—It could.

47. Baron *Hughes.*—If the office for the registry of judgments is to be retained, is the Four Courts the proper place in which to have the office?—I think it is. As the law stands at present it is, on account of the provisions of the Bankruptcy Act, absolutely necessary to register judgments. It would be necessary for solicitors who have anything to say to the Bankruptcy Court to have an opportunity of registering their judgments close to their place of business. And the offices in which the judgments are to be entered and to be satisfied are in the same buildings in the Four Courts.

William V. R. Ruckley, esq., examined.

1. Baron *Hughes.*—What office do you hold?—First assistant clerk in the Registry of Judgments Office.

2. How long have you held that office?—Since its first constitution in November, 1844. I was one of the first appointed under the Act that constituted the office. I was transferred from another office under the Court of Exchequer which was abolished.

3. Can you state to the Commissioners the number of books kept in the office in respect of judgments, Crown bonds, recognizances, and the other matters

registered in the office?—There are books for the registry of judgments, for revivals, for recognizances and Crown bonds, lis pendens, decrees, rules, and orders, and civil bill decrees for poor rates, and for re-docketted recognizances and Crown bonds.

4. Each is a distinct series of books?—Yes.

5. Now for the current five years are you able to state how many books are required in the office in respect of judgments alone?—We have one set of books for registry, another for re-registry, and another for revivals. For the five years there are nine sets of books to be searched.

6. How many books in each set?—We have divided the alphabet into four books, A B C in one book, D to I in another, K to O in a third, and P to Z in a fourth. This is done as much for the purpose of facilitating the public in searches as for the clerks in the office, in order that they should not be interfered with, and that we might have a sufficient number of books to keep all going.

7. If a search is required in your office against A. B. for judgments, recognizances, Crown bonds, lis pendens, decrees and orders, and re-docketted recognizances, how many books must be referred to in order to obtain that search, embracing the items necessary for an ordinary search?—For the twenty years, for recognizances and Crown bonds, there are five sets of books.

8. How many in each set?—Just the same division that I stated for the others, and a re-docket book for the recognizances and Crown bonds. Then there are four lis pendens books and two decree books. For registry of judgments there are seventeen books, and one for re-registry. I commenced the division of the re-registry only last November. That gives eighteen books in all.

9. What is the average time required in making such a search before it can be returned to the party requiring it?—About ten days. That depends on the number of requisitions there may be in to be given out. We are obliged to give them out in regular rotation; but it does not take beyond ten or twelve days to give a search out of the office.

10. Are you able to state what is the average time required by a clerk to make a perfectly new search, supposing he was put to it at the moment it was bespoke?—I think two days at the utmost.

11. It would require the entire time of a clerk for two days?—Nearly.

12. How many books are there of recorded negative searches?—I think the books of recorded negative searches have gone up to about eighty.

13. Are you able to state about how much is the expense to the public of those recorded negative searches?—There are two copying clerks; there is about £40 a year to each, and there is besides the cost of parchment books.

14. Are you able to state what fees have been received in the office for copies of recorded negative searches?—There are no fees, but the amount of stamp duties on these copies I am sure have not amounted to beyond £4 any year, and some years not so much.

15. Is it your opinion that the recording the negative searches could be advantageously done away with?—It might with great advantage to the public. Where a search is made it cannot be issued until the clerk records it; that sometimes takes three or four days, and there is so much loss of time to no purpose, for no possible advantage.

16. In fact the recording a negative search delays its delivery to the person requiring it?—It does.

17. Do you think there is any plan by which the books could be kept which would facilitate the making of searches in the office and facilitate the public?—I think it would be possible to make out a general index in close dictionary order of all the books in the office to the present time. If that were undertaken, that is, giving the usual extracts to each person's name, I do not believe it would exceed a cost of £700, and it might be done within six or nine months.

18. That would be in reference to all the books now in the office?—Yes. But there is a shorter plan I made myself, and I submitted it to Mr. Perrin. It was merely putting the names in close dictionary order, and the number of the book and page of each incumbrance, so that in one line you would see everything appearing in our books as to each name. The clerk would refer to it; he would merely take down that line, and instead of having to search all the books he would have the search done in a few minutes.

19. In other words, you would post up all the old books like a merchant's books?—Yes, into a small index book, which would be the general index to all the books. That could be carried on without any inconvenience.

20. Has it occurred to you that any advantage would be gained by keeping the transactions of the office in the same manner as mercantile transactions are kept—opening an account for each individual according as judgments came in, and entering all his transactions on one page?—It would afford great facility in searching, and it would save an immensity of time to have all the incumbrances against each individual appear on one page instead of being obliged to refer to a multitude of books.

21. Have you any doubt that if the books were kept on that principle a search could be given out in twelve hours after it was bespoke?—I am sure it could, and in less time.

22. Do you think that in one hour a search that showed no acts could be given out?—Certainly.

23. *The Attorney-General.*—Suppose you were told to keep the books from henceforth upon the index plan, could you begin doing that without going through the operation you describe with respect to the existing books?—For immediate use the new plan would then be of very little advantage to the public. For the purpose of giving immediate advantage to the public, it would be necessary to index all the existing books. Every five years a year drops off. That short system which I submitted to Mr. Perrin has been tested by the searching clerks, and has been found correct, and fully affording the facility I contemplated. But if the searching clerks, instead of having the record book, were obliged to keep complete copies of their slips, distinct from the books, they might, at the end of a little time have these slips bound up in books, and these would be equal to a record, and would always be of service to any person coming in as a reference. Instead of that they are not put in a shape that they can be used.

24. Baron *Hughes.*—Independently of the saving of time in the making of the searches, and of the facilities that would be afforded to the public, would there be any and what saving in respect of satisfactions and vacates by the adoption of the new plan?—I do not believe there would be any saving. That is quite a distinct duty, the entering of satisfactions and vacates.

25. Have not the satisfactions and vacates increased considerably of late?—Very much. I find there is an increase over the numbers entered in 1848, 1849, and 1850. They have increased from 301 to 912 per annum.

26. What is the cause of that increase?—The Landed Estates Court will not pay out money until the judgments are satisfied. Purchasers say that these must be disposed of before the money is paid over.

27. What is the course in respect of a satisfaction upon a re-registered judgment. Is it necessary to search out and enter a satisfaction against a re-registry of a judgment for every five years?—We are not limited as to years. If a judgment appears re-docketted in 1840, we are obliged to go back; and wherever it appears in our books, from its first appearance down to the present day, we must mark it off in our books as satisfied.

28. In the case of an old judgment of 1840, how many books would you have to go through to enter the satisfactions on the registry and re-registry as well as the original entry?—We are in the eighteenth book now: that is, seventeenth book of registry and one of re-registry. And then there is the re-docket book and revival book for each court; besides four registry of revival books, we would have about twenty-four or twenty-five books to go through.

29. If the proposed system were established, would not the re-registry appear upon the one page debited to the one account, and would not the one satisfaction suffice?—I think that wherever there was an entry of the judgment against a party, it would be necessary to mark it off.

30. But would that be necessary in respect of new judgments if the new system were adopted?—We would then have only one page to mark off.

31. *The Lord Chief Justice of the Common Pleas.*—You might have three or four judgments entered on that page?—Yes.

32. Baron *Hughes.*—Is the business of entering the judgments, orders, decrees, &c., all transacted within the Four Courts buildings?—Yes.

33. Is it for the convenience of the public and the officers that the office for the registry of judgments should be in the Four Courts?—It is. The public are greatly convenienced by having it here. The consolidating the office with the office for the registry of deeds, or the removal of it from the Four Courts, would be attended with great inconvenience to the public.

34. Has the business in your office been diminished by the "Judgment Mortgage Act?"—It has not.

35. To what do you attribute this?—I find that parties resort to the double entry. If they convert a judgment into a statutable mortgage, they often find the necessity of turning back upon the judgment, and for the security of the clients the profession register it as a judgment independently of its character as a mortgage.

36. Are you aware what Act of Parliament it was induced them to do that?—The "Bankruptcy Act."

OFFICE OF THE REGISTRAR OF JUDGMENTS, IRELAND.

Evidence as to the Mode of Conducting Business.

William V. R. Ruckley, Esq., First Assistant Clerk.

II.—Returns of Proceedings in the Office of the Registrar of Judgments in Ireland for the years 1848, 1849, 1850, 1851, 1852, 1853, and 1862, 1863, 1864, compiled in the Office of the Commission.

—	1848.	1849.	1850.	1851.	1852.	1853.	1862.	1863.	1864.	Average for three years, 1848–1850.	Average for three years, 1851–1853.	Average for three years, 1862–1864.
I. Judgments of Superior Courts:—												
Registered,	5,457	6,642	6,687	7,116	5,669	4,686	5,687	5,004	4,272	6,262	5,824	4,988
Re-registered,	–	–	15	125	240	469	647	598	620	5	278	622
Judgments of Inferior Courts removed to Superior,	–	–	–	–	–	–	–	–	–	–	–	–
Revivals,	57	99	257	48	680	567	75	61	32	138	432	56
Total of I.,	5,514	6,741	6,959	7,289	6,589	5,722	6,409	5,663	4,924	6,405	6,534	5,666
II. Decrees,	28	22	14	19	9	13	–	–	4	22	13	1
Rules and Orders,	41	39	32	22	36	48	14	40	20	37	35	25
Lis Pendens,	126	112	96	100	93	83	531	510	429	111	92	490
Civil Bill Decrees for Poor Rates,	–	–	49	352	93	47	1	–	–	16	164	–
Total of II.,	195	173	191	493	231	191	546	550	453	186	304	516
III. Recognizances (including 8 re-dockets),	289	2,184	501	387	323	277	108	133	83	975	329	108
Crown Bonds (including 2 re-dockets),	324	114	116	191	199	333	157	120	13	185	241	97
Judgments at suit of Crown,	–	7	5	3	11	3	–	–	1	4	6	–
Statutes,	–	–	–	–	–	–	–	–	–	–	–	–
Inquisitions,	–	–	–	–	–	–	–	–	–	–	–	–
Acceptances of Office,	–	–	–	–	–	–	–	–	–	–	–	–
Total of III.,	563	2,305	622	581	533	613	265	253	97	1,164	576	205
IV. Satisfactions,	85	311	395	687	720	809	758	822	654	264	739	745
Vacates of Crown Bonds and Recognizances,	–	49	62	111	133	224	146	111	107	37	156	121
Cancellations,	–	–	–	–	–	–	44	54	42	–	–	46
Total of IV.,	85	360	457	798	853	1,033	948	987	803	301	895	912
V. Common Searches made,	736	753	696	617	658	662	499	591	613	728	646	568
Negative Searches made,	1,132	1,043	1,533	1,932	2,105	2,105	1,763	1,023	1,799	1,236	2,047	1,528
Requisitions for liberty to search made by public,	784	1,465	2,464	3,847	3,892	4,169	4,742	3,483	2,711	1,571	3,969	3,645
Attested Copies of Record Searches made,	–	7	–	10	16	45	48	19	17	2	24	28
Total of V.,	2,652	3,268	4,693	6,406	6,671	6,981	7,052	6,016	5,140	3,537	6,686	6,069

SUMMARY.

Total of I. Judgments of Superior Courts, &c.,	5,514	6,741	6,959	7,289	6,589	5,722	6,409	5,663	4,924	6,405	6,534	5,666
„ II. Decrees, &c.,	195	173	191	493	231	191	546	550	453	186	304	516
„ III. Recognizances, &c.,	563	2,305	622	581	533	613	265	253	97	1,164	576	205
„ IV. Satisfactions, &c.,	85	360	457	798	853	1,033	948	987	803	301	895	912
„ V. Searches,	2,652	3,268	4,693	6,406	6,671	6,981	7,052	6,016	5,140	3,537	6,686	6,069
Grand Total,	9,009	12,847	12,922	15,567	14,877	14,540	15,220	13,469	11,417	11,593	14,995	13,368

FEES AND STAMPS.

	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Fees to Registrar (not converted into Stamps),	–	–	30 19 0	237 9 0	225 6 0	222 10 0	236 18 0	214 8 9	194 3 3	10 6 4	228 8 1	215 3 4
Fees since converted into Stamps and Stamp Duties,	3,130 19 1	3,941 14 6	4,350 7 0	4,397 18 1	4,350 1 2	4,311 4 4	3,769 7 0	3,828 8 0	3,430 18 8	3,807 13 6	4,353 1 3	3,676 4 6
Total,	3,130 19 1	3,941 14 6	4,381 6 0	4,635 7 4	4,575 7 2	4,533 14 4	4,006 5 0	4,042 16 9	3,625 1 11	3,817 19 10	4,581 9 7	3,891 7 10

(Signed) W. Neilson Hancock, *Secretary.*

Law Commission Office, 4th January, 1865.

Office of the Registrar of Judgments, Ireland.

III.—Return of Judgments Re-registered for Five Years in the Office of the Registrar of Judgments in Ireland, compiled in the Office of the Commission.

Office of the Registrar of Judgments, Ireland.

Return of judgments re-registered.

Number of judgments re-registered in			1860,	9,063
„	„	„	1861,	731
„	„	„	1862,	649
„	„	„	1863,	598
„	„	„	1864,	620
Total re-registered in 5 years,				11,661

Up to 1862, from the commencement of the Judgment Registry Office, the entire number of judgments re-registered was 24,000, and the amount recovered on such judgments was £51,000,000. Assuming the amount recovered on the 11,661 judgments re-registered in the last five years to be in the same proportion, this would give £25,000,000 as the amount recovered on such judgments, representing outstanding liabilities to the extent of £12,500,000 at the least.

(Signed) W. Neilson Hancock, *Secretary.*

Law Commission Office,
4th January, 1865.

Return of judgments re-registered.

Court of Chancery, Ireland.

Appendix T.—Papers as to Fees in the Court of Chancery in Ireland.

Court of Chancery, Ireland.

CONTENTS.

	Page
I. Return as to Orders, Altering, Abolishing, or Imposing Fees, with particulars of changes made,	174
II. Returns showing for three years the Fees received in each of the Chancery Offices, with Receipts, Disbursements, Schedules of Fees chargeable, and the amount produced by each kind of Fee:—	
Returns from:	
1. The Rolls Office,	178
2. Crown and Hanaper Office,	179
3. Master Litton's Office,	182
4. Master Brooke's Office,	183
5. Master Murphy's Office,	183
6. Master FitzGibbon's Office,	184
7. Lord Chancellor's Secretary's Office,	186
8. Registrar's Office,	186
9. Appearance and Writ Office,	187
10. Affidavit Office,	189
III. Returns showing for three years Fees received by Officers of the Court of Chancery in Ireland for their own benefit:—	
Returns from:	
1. Digby P. Starkey, Esq., Accountant-General,	190
2. H. M. Quinan, Esq., Examiner,	190
3. James Morrin, Esq., Clerk of Enrolments,	191
4. J. J. Digges La Touche, Esq., Clerk, Rolls Office,	191
5. F. B. Martley, Esq., Chief Clerk, Registrar's Office,	192
6. James Walker, Esq., Clerk of Recognizances,	192
7. W. Neilson Hancock, LL.D., Clerk of the Custodies in Lunacy,	192
8. Thomas Rice Henn, Esq., Q.C., Commissioner in Lunacy,	193
9. Medical Inspectors in Lunacy,	193
10. Thomas E. Sinton, Esq., Train-bearer,	194
11. Edmund O'Reilly, Esq., Crier,	194
12. Mr. J. D. Campbell, Tipstaff,	194
13. Mr. James Gaffney, Tipstaff,	195
IV. Returns as to Chancery Fund Stamp Duties, Compensation and Fee Fund, and Suitors Fee Fund of the Court of Chancery in Ireland:—	
Returns showing:	
1. Gross Amount of Chancery Fee Fund Duties for three years,	195
2. Investments and Sales on Compensation and Fee Fund Account in Chancery, Ireland,	196
3. Interest and produce of Compensation and Fee Fund Account in Chancery, Ireland, for one year,	198
4. Amounts chargeable on the interest and produce of the Chancery Compensation and Fee Fund, which are actually paid out of the Suitors' Fee Fund in consequence of Compensation and Fee Fund being inadequate.	198
5. Amount of the Compensation and Fee Fund of the Court of Exchequer for one year,	199
6. Amount of the interest and produce of the Compensation and Fee Fund of the Court of Exchequer,	199
7. Cash standing to credit of Accountant-General at Annual balance for ten years,	200
8. Sums taken from time to time out of unemployed Cash of Suitors' Fund for building Four Courts and other purposes,	201
9. Suitors' Fee Fund Account in detail for one year,	201

Return as to Orders respecting Fees, and particulars of Fees under such Orders.

I.—Return of (1), the Dates of all Orders under 4 George IV., chapter 61, section 2, or any other Authority altering or abolishing Fees, or imposing new Fees in the Court of Chancery in Ireland; and (2), the Particulars of the Fees altered, abolished, or imposed by such Orders.

Return as to Orders respecting Fees, and particulars of Fees under such Orders.

Hon. Henry Sugden, Registrar.

Particulars of Fees Altered, Abolished, or Imposed.

Dates of Order and Authority under which Order made.— (18th May, 1824: 4 George IV., cap. 61).

Purse-bearer's fee of 1s. altered to £1, on every Commission of the Peace.

Clerk of Crown and Hanaper—

Eight shillings and eight pence instead of £8 8s. on every Writ of Fieri Facias.

Box-Money—

Fee of 1s. to be received by Usher on affidavits; Registrars on every Rule or Order: same to be accounted for and paid over to such person as the Lord Chancellor shall direct, to be distributed to poor persons on Box List.

Porter—

	£	s.	d.
For the Patent of Archbishop, Duke, Marquis, Earl, Viscount, Baron, Bishop, Chancellor, Chief Justice, Baronet, or Dean, for each single denomination,	1	7	0
For a Patent for a Judge, Attorney-General, Solicitor-General, Master in Chancery, Sergeant-at-Law, or Assistant-Barrister,	1	2	9
For every Sheriff's Patent,	0	1	0
For every Faculty passing the Great Seal,	0	2	8½
For every Commission of the Peace,	0	1	0
For every renewed Commission of Bankrupt,	0	0	6
For every Writ of Error,	0	1	0
For every Private Seal,	0	0	3

Hon. Henry Sugden, Registrar.

COURT OF CHANCERY. IRELAND.

Return as to Orders respecting Fees, and particulars of Fees under such Orders.

Hon. Henry Sugden, Registrar.

Crier—

Table of Fees to be received and taken by the Crier of the Court of Chancery:

The fee provided for the Crier of 4*d.* for every deponent in the Examiner's Office, to be amended by adding the words, or in the Office of the Masters' Examiners, on such examinations as heretofore were held in the country, Special Commissioners appointed for that purpose."

The fee provided for the Crier of 4*d.*, for every deponent in the Examiner's Office, has been omitted in respect of witnesses examined under a Commission, although in all Commissions directed to country Examiners such a fee had been uniformly received by the Crier, and it appears that the Masters' Examiners are appointed in place and stead of such Commissioners; but no reason has been, or can be assigned for the abolition of the Crier's fee, and, therefore, it appears that the omission has been by mistake.

Tipstaffs in Chancery—

Table of Fees to be received and taken by the Tipstaffs of the Court of Chancery:

	£	*s.*	*d.*
For swearing into office of each Judge, Attorney-General, Solicitor-General, and Sergeant-at-Law,	0	11	4½
For like of each Master in Chancery,	0	5	5
For hearing each Cause,	0	1	1
For admission of each person as a Barrister,	0	2	8½

Court-Keeper—

Table of Fees to be received and taken by the Court-Keeper of the Court of Chancery:

	£	*s.*	*d.*
For swearing into office of each Judge, Attorney-General, Solicitor-General, and Sergeant-at-Law,	0	11	4½
For like of each Master in Chancery,	0	5	5
For the admission of each person as a Barrister,	0	5	5
For hearing each Cause,	0	1	1
For every Sale of Lands and Premises under a Decree or Order of the Court, the Seller and Purchaser, each,	0	5	5
For every adjournment of a Sale,	0	2	8½
For every Letting of Lands and Premises under an Order of the Court, the Setter-up and Tenant, each,	0	2	8½
For every adjournment of a Letting,	0	2	8½

Deputy Clerk of the Rolls—

The Schedule to said Act to be amended by stating Deputy Clerk of the Rolls to receive the Fee of 6*s.* on the enrolment of every Decree, instead of "on every Decree."

Secretary—

The Table of Fees to the Lord Chancellor's Secretary to be amended by omitting the words, "which shall be signed by the Lord Chancellor," after the item No. 19 in the said Table, viz.:—for every Writ of Error, 4*s.*; because Writs of Error are laid before the Lord Chancellor and receive his sanction, but not his signature.

Cursitor (1)—

The Table of Fees payable to the Cursitor to be amended by varying the charge, 4*s.* 8½*d.*, to 8*s.* 4½*d.* for the item No. 4, viz.:—Writs of Dedimus, 8*s.* 4½*d.*

Box-Money.—(5th December, 1829).

One shilling to be received on every Rule or Order on Petition or otherwise.

(1st November, 1834: 4 & 5 William IV., cap. 92 section 67).

That the Fees and Charges payable for the enrolment of Deeds, mentioned in the 67th section to said Act, be those specified in relation to the said particulars in the Schedules to the Act of 4 George IV., chapter 61, and 6 George IV., chapter 30.

Six-Clerks—

Authorized to charge a Fee of 2*d.* for Purse-bearer on every Writ issuing from their office, instead of 9*s.* on every Writ sealed on a private day charged by Purse-bearer.

Clerk of Appearances and Writs.—(10th October, 1836: 4 & 5 William IV., cap. 78; 6 & 7 William IV., cap. 74).

	£	*s.*	*d.*
For the appearance of every Defendant who appears separately to any subpœna to appear and answer to revive, or to elect a Solicitor, or pursuant to an Order appointing a Parliamentary Solicitor,	0	3	4
If two Defendants or three Defendants appear by the same Solicitor at the same time, for the appearance of such two or three Defendants,	0	3	4
If more than three, for every three Defendants,	0	6	8
Term fee for a Plaintiff or Plaintiffs,	0	3	4
Term fee for every Defendant who answers separately,	0	3	4
If two or three Defendants answer jointly, the term fee to be	0	3	4
If more than three, for every three Defendants,	0	6	8
For each Pleading and for each Schedule which shall be annexed thereto, and which would heretofore require the signature of a Six-Clerk,	0	3	4
For each Charge, Discharge, Consent, and any other Document to which the signature of a Six-Clerk was required, and for which no other fee is provided in this Schedule,	0	3	4
For every Petition,	0	6	8
For every Notice of Motion,	0	2	6
For every other Notice,	0	2	6
For every Motion, whether grounded on Petition or on Notice, or a Rule, or Motion of course,	0	3	4
For transmitting every Copy of a Summons,	0	1	0
On vacating Recognizance,	0	13	4
Attested copy of Exceptions, for each sheet of 72 words,	0	0	6½
For drawing a Docket of a Decree to be signed by the Lord Chancellor, for each office sheet of 72 words,	0	0	6½
For enrolling the Decree, per sheet of 72 words,	0	0	6½
For preparing and engrossing a Writ of Execution or Exemplification of a Decree, for each skin of 800 words,	1	6	8
For enrolling Letters of Guardianship and Committeeship,	0	6	8
For preparing and engrossing Exemplification thereof,	0	13	4
For the Exemplification of any other Order,	0	13	4
For every Writ of Attachment and Seal, whether the same shall issue against one or more Defendants, and whether for want of appearance or answer, or under an Order of Court,	0	7	10
Proclamation of Rebellion and Seal,	0	9	6
Commission of Rebellion and Seal,	0	9	6
Sergeant-at-Arms and Seal,	0	9	6
Writ of Sequestration and Seal,	0	13	4
Distringas against Corporation and Seal,	0	13	0
For every Scire Facias and Seal,	0	9	6
For every Writ of Dedimus Protestatem to take an answer or answers, and to examine Witnesses,			
Commission to Arm the Master or Arbitrators and Seal,	0	9	6
For every Injunction and Seal,	0	9	6
For every Supersedeas and Seal,	0	9	6
For every Commission of Perambulation, Oaths, Notice, and regulating the Return, and Seal,	0	9	6

COURT OF CHANCERY. IRELAND.

Return as to Orders respecting Fees, and particulars of Fees under such Orders.

Hon. Henry Sugden, Registrar.

Clerk of Appearances and Writs—continued.

	£	s.	d.
For every Writ of Partition, Oaths, Notice, and regulating the Return, and Seal,	0	9	6
For every Habeas Corpus,	0	9	6
For sealing every Subpœna (in British Money),	0	10	0

Clerk of Affidavits.—(5th November, 1836 : 4 George IV., cap. 61).

No Extract to be charged at less than 3*s.* 4*d.*

Registrars.—(25th January, 1837 : 4 Geo. IV., cap. 61).

Instead of numbers 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24, in the Schedule to the 4 George IV., cap. 61, mentioned, the following Fees to be charged by the Registrars :—

	£	s.	d.
For every Side Bar Rule,	0	5	0
For every Office Copy thereof,	0	2	6
For every Order on Motion of Course,	0	7	6
For every Office Copy thereof,	0	3	6
For every Order on Special Motion,	0	12	6
For every Office Copy thereof;	0	7	6
For every Order on Petition,	1	0	0
For every Office Copy thereof,	0	10	0
For every Order on arguing Exceptions, Pleas, and Demurrers,	1	0	0
For every Office Copy thereof,	0	10	0
For every Decree or Order on the original hearing of a Cause, and on Report and merits, and on further directions,	4	0	0
For every Office Copy of such Decree or Order,	1	10	0

Deputy Clerk of Rolls.—(15th November, 1837).

Clerk of Enrolments to be entitled to receive a Fee of 10*s.* 6*d.* within Circular-road, and £1 1*s.* without Circular-road, for attending to administer Oath or Affirmation.

Fee for attending to have answer sworn in Prison within Circular-road, or within two miles thereof, 5*s.*

Clerk of Appearances and Writs.—(1st February, 1839 : 4 George IV., cap. 61).

That in lieu of the fees, numbers 4, 5, 6, and 7, in the 5th Schedule to the said Act mentioned, the following fees be taken :—

	£	s.	d.
On filing every original or other Bill, a Term Fee of	0	8	11
On entering every Appearance, where the number of Defendants shall not exceed three, a Term Fee of	0	12	0
And where the number of Defendants appearing by the same Solicitor shall exceed three, and not sufficient to make up another set of three, then for every Defendant over such set of three, a Term Fee of	0	6	0

(23rd January, 1841 : 4 George IV., cap. 61).

	£	s.	d.
For every Writ of Fieri Facias,	0	12	6
For every Writ of Elegit,	0	12	6
For every Writ of Venditioni Exponas,	0	12	6

(3rd November, 1842 : 4 George IV., cap. 61).

That in lieu of the fees now payable, and numbered 8, 9, 10, 11, 12, 13, 19, 26, 27, 30, 31, 32, 33, 36, 37, 38, 39, 40, 41, 47, 49, 50, 51, 52, 53, and 54 in the fifth table annexed to said Act, and specified in the Schedule of Fees annexed to the General Orders, bearing date the 10th day of October, 1836, the fees specified in the schedule numbered 1, annexed to this Order, shall, from and after the last day of next Session of Parliament, be deemed and taken to be legal fees, and payable as such for the several matters in the said schedule mentioned, as if the same had been mentioned in the table annexed to said Act; and that in lieu of the fees heretofore paid to the Cursitor, and now payable to the Clerk of Appearances and Writs, and numbered 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 25, 27, and 28 in the eleventh table annexed to said Act, the fees specified in the said schedule annexed to this Order, number 2, shall also, from and after the last day of the next Session of Parliament, be deemed and taken to be legal fees, and payable as such for the several matters in the said schedule mentioned, as if the same had been mentioned in the table annexed to the said Act; and that when and as soon as the fees payable under this Order shall be payable to the said Clerk of Appearances and Writs, the fees, in the said tables to the said Act mentioned, and numbered as above, shall cease to be payable to him by any suitor of said Court.

No. 1.—*Table of Fees to be received by the Clerk of Appearances and Writs and his Clerks.*

	£	s.	d.
For each pleading (except Bills), and for each Schedule which shall be annexed thereto, and which would heretofore require the signature of a Six-Clerk,	0	3	0
For every Charge, Discharge, Consent, and any other document to which the signature of a Six-Clerk was required, and for which no other fee is provided in this Schedule,	0	3	0
For every Petition,	0	6	0
For every Notice of Motion,	0	2	6
For every other Notice,	0	2	6
For every Motion, whether grounded on Petition, or on Notice, or on Rule or Motion of course,	0	3	0
For transmitting every Copy of a Summons,	0	1	0
For vacating Recognizance,	0	12	6
Attested Copy Exceptions, for each sheet of 72 words,	0	0	6
For preparing and engrossing a Writ of Execution or Exemplification of a Decree, for each skin of 800 words,	1	5	0
For enrolling Letters of Guardianship and Committeeship,	0	6	0
For preparing and engrossing exemplification thereof,	0	12	6
For exemplification of any other Order,	0	12	6
For every Writ of Attachment and Seal, whether the same shall issue against one or more Defendants, and whether for want of appearance or answer, or under an Order of Court,	0	7	0
Proclamation of Rebellion and Seal,	0	8	6
Commission of Rebellion and Seal,	0	8	6
Sergeant-at-Arms and Seal,	0	8	6
Writ of Sequestration and Seal,	0	12	6
Distringas against Corporation and Seal,	0	12	6
For every Scire Facias and Seal,	0	8	6
For every Writ of Dedimus Protestatem to take an answer or answers, and to examine Witnesses,			
Commission to arm the Master or Arbitrator and Seal,	0	8	6
For every Injunction and Seal,	0	8	6
For every Supersedeas and Seal,	0	8	6
For every Commission of Perambulation, Oaths, Notice, and regulating of Return, and Seal,	0	8	6
For every Writ of Partition, Oaths, Notice, and regulating the Return, and Seal,	0	8	6
For every Habeas Corpus,	0	8	6

No. 2.—*Table of Fees.*

	£	s.	d.
For every original Writ to keep a Bill or Note within the Statute,	0	8	6
And if any of the said Writs shall exceed the length of three office sheets of 72 words each, then, for every office sheet which such Writ shall contain beyond said number of three sheets, a further fee of	0	1	0

Table of Fees—continued.

	£	s.	d.
Writ of Certiorari,	0	4	0
Writ of Recordari,	0	3	6
Writ of Error to the twelve Judges or to Parliament,	2	13	6
Writ of Error, Coram Vobis,	0	14	6
Common Error, to a Sheriff or Seneschal,	0	4	0
Writ of Replevin and Reception issuing together,	0	14	6
Writ of False Judgment,	0	3	6
Writ of Dower,	0	3	6
Writ of Partition,	0	3	6
Writ of Quare Impedit ne Admittas,	0	7	0
Recipe to the Outlawry,	0	1	0
For any attested copies which shall be required from the Office, for the first sheet,	0	1	0
For every sheet after,	0	0	6

Clerk of Appearances.—(8th July, 1843).

That the Clerk of Appearances and Writs during the present Session of Parliament shall receive the fees set forth in the Schedule to the General Orders, bearing date the 10th day of October, 1836, and also the fees set forth in the Orders of the 1st February, 1839, and 23rd January, 1841, and in the eleventh table to the Act 4 George IV., cap. 61; and the Clerks of Appearances and Writs shall receive, from and after the last day of the present Session of Parliament, the fees mentioned in the Thirtieth General Order, and the several fees mentioned in the Orders of the 1st day of February, 1839, 23rd day of January, 1841, and the 3rd day of November, 1842, provided Parliament shall not otherwise direct; which Orders are set forth in the Appendix to these Rules; and that the Clerk of Appearances and Writs shall, in addition to the fees mentioned in said General Order, be at liberty to receive the fees mentioned in the Schedule to the General Orders, bearing date the 10th day of October, 1836, numbers 1, 2, and 3, same being the legal and customary fees now payable on entering appearances, and the fee of 3*s.* 1*d.* on marking any bill, and which latter fee is also now payable to and received by the Clerk of Appearances.

Clerk of Appearances and Writs.—(27th March, 1843, 193rd General Rule: 4 & 5 William IV., cap. 78).

Authorizes Clerk of Appearances and Writs to receive the several fees stated in former General Orders, and set forth in Appendix to the said General Rules.

Clerk of Appearances.—(27th March, 1843, 195th General Rule: 4 & 5 William IV., cap. 78).

Authorized to receive the fees specified in the seventh Schedule to Act of 4 George IV., chapter 61 (save Usher's poundage).

Registrars.—(3rd January, 1845: 4 George IV., c. 61).

That in lieu of the fees now payable under the General Order of the Lord Chancellor of the 23rd day of January, 1837, the fees before that Order payable, and numbered 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, in the fourth table annexed to the said Act (and in lieu of which the fees directed to be paid by the said Order of the 25th day of January, 1857, were substituted), shall, from and after the last day of the next Session of Parliament, be deemed and taken to be legal fees, and payable as such for the several matters in the said Table, and in the Schedule to this Order mentioned, so that thenceforth the said Table of Fees may be received and have full operation, as if the said Order of the 25th day of January, 1837, had never been made.

Table of Fees to be received by the Registrars and their Clerks.

	£	s.	d.
12. For entering a Rule in the Rule Book, whether on Petition or otherwise,	0	2	6

Table of Fees—continued.

	£	s.	d.
13. For drawing, entering, and signing every Order, and furnishing a copy thereof, if not exceeding one side or sheet containing 72 words,	0	2	6
14. For drawing, if it exceed one side or sheet, for every side or sheet after 72 words, each	0	0	10
Any one portion of a sheet to be charged 10*d.*, as an entire sheet, but not more than one fraction to be charged for, or on account of, any one document.			
15. For drawing, entering, and signing every Order upon hearing of a Cause, and furnishing a copy thereof,	0	6	8
16. For drawing, if it exceed one sheet or side of 72 words, for every side or sheet of 72 words,	0	0	10
17. For drawing, entering, and signing every Decretal Order, and furnishing a copy,	0	6	8
18. And if it exceed one side or sheet of 72 words, for every side after,	0	0	10
19. For drawing, entering, and signing every final Dismiss, and furnishing a copy,	0	6	8
20. And if it exceed one side or sheet of 72 words, for every side after,	0	0	10
21. For drawing, entering, and signing every Order of Guardianship,	0	2	6
22. And if it exceed one side or sheet of 72 words, for every side after,	0	0	10
23. For drawing, entering, and signing every Order upon a Petition, and furnishing copy,	0	2	6
24. If it exceed one side or sheet of 72 words, for every side or sheet after,	0	0	10

(6th November, 1849: 4 George IV., cap. 61).

That in lieu of the fee now payable, and numbered 7 in the said third table annexed to the said Act, the fees specified in the Schedule to this Order shall, from and after the last day of the next Session of Parliament, be deemed and taken to be legal fees, and payable as such for the several matters in said Schedule mentioned, as if same had been mentioned in the table annexed to said Act.

Schedule of Fees to be received by the Clerks or Examiners of the Masters of the Court of Chancery in Ireland.

	£	s.	d.
For preparing each Lease to be executed by the Master, of Lands set by him pursuant to any Order of the Court, and attending at the Master's Chambers on the occasion of such Lease being executed,	0	10	0
For preparing a Counterpart of such Lease, if required by the Tenant, and attending in like manner at the execution thereof,	0	10	0

(18th January, 1850: 4 George IV., cap. 61).

That in lieu of the fee now payable, and numbered 7 in the third table annexed to the said Act, the fees specified in the Schedule to this Order shall, from and after the last day of the next Session of Parliament, be deemed and taken to be legal fees, and payable as such for the several matters in said Schedule mentioned, as if the same had been mentioned in the table annexed to said Act.

Schedule of Fees to be received by the Clerks or Examiners of the Masters of the Court of Chancery in Ireland.

	£	s.	d.
For preparing each Lease to be executed by the Master, of Lands set by him pursuant to any Order of the Court, and attending at the Master's Chambers on the occasion of said Lease being executed,	0	15	0
For preparing a Counterpart of such Lease, if required by the Tenant, and attending in like manner at the execution thereof,	0	5	0

Deputy-Keeper of the Rolls.—(31st July, 1851, 38th General Order : 13 & 14 Vict. ; 14 & 15 Vict.

The Deputy-Keeper of the Rolls is authorized to take the following fees :

	£	s.	d.
For filing and entering a Cause Petition,	0	10	0
For every amendment thereof,	0	2	6
For filing and entering every set of Interrogatories, or Answers to Interrogatories,	0	10	0
For filing and entering every Affidavit,	0	2	6
For filing and entering every Suggestion,	0	2	6
For Attested Copies, Searches, and Certificates, the same fee as directed by the Schedule of Fees now in force in said Office.			

Clerk of Appearances and Crier.—(2nd February, 1852 : 13 & 14 Vict., cap. 89 ; 14 & 15 Vict., cap. 15).

That in respect to proceedings by Cause Petition, instituted under the authority of an Act passed in the 13th and 14th Years of the Reign of her present Majesty Queen Victoria, entitled "An Act to regulate the proceedings in the High Court of Chancery in Ireland," the fees set forth and stated in the following table shall, from and after the last day of the next Session of Parliament, be, and be deemed and taken as legal fees by the officers hereby authorized to receive the same :

	£	s.	d.
On entering every Appearance to a Cause Petition,	0	6	0
On the Attested Copy of every such Appearance,	0	2	0

Crier.

	£	s.	d.
For every Decretal Order on Dismiss,	0	5	0
For every Affidavit filed in the Rolls Office,	0	0	4

Court-Keeper.

	£	s.	d.
For hearing each Cause Petition,	0	1	0

Box-Money.—(17th April, 1852 : 13 & 14 Vict., cap. 89 ; 14 & 15 Vict., cap. 15).

That 1*s.* Box-Money be paid on all Affidavits filed in the Rolls Office.

(22nd May, 1857, 12th General Rule : 19 & 20 Vict., cap. 120 ; Settled Estates Act).

That the fees and emoluments of all Officers and Solicitors of the Court, in respect of the matters under the Act, shall be such fees and allowances as by the present practice of the Court they are entitled to take and charge for business of a similar nature.

(3rd May, 1858 : 13 & 14 Vict., cap. 89 ; 14 & 15 Vict., cap. 15).

That Masters' Orders under 15th section of the Chancery Regulation Act, 1850, be transmitted to the Registrar's Office, and issue therefrom as Decrees and Orders of the Court now issue.

(Signed), H. Sugden.

II.—Returns showing for three years the Gross Amount of Fees received in each of the Chancery Offices in Ireland, the Receipts and Disbursements, the Schedule of Fees chargeable, and the amount produced by each kind of fee.

II.—1. Return from Rolls Office.

Gross Amount of Fees received in Rolls Office from 1st July, 1859, to 1st April, 1862.

	£	s.	d.
From 1859 to 1860,	1,753	4	10
From 1860 to 1861,	1,602	5	2¾
From 1861 to 1862,	1,160	0	3¼

2 A.—Summary of Receipts and Disbursements from 29th September, 1860, to 29th September, 1861, for the London Account.

	£	s.	d.
Received from Paymaster of Civil Service from 29th September, 1860, to 29th September, 1861,	400	0	0
Total amount of Fees received during same period,	628	7	10¾
Paid Paymaster of Civil Service from 29th September, 1860, to 29th September, 1861,	615	12	4
Paid Clerks' Fees,	131	10	3¼
Paid Clerks' Salaries,	130	0	0
Paid Sundries,	104	0	10¾

B.—Summary of Receipts and Disbursements for the Dublin Account from 29th September, 1860, to 29th September, 1861.

	£	s.	d.
Total amount of Fees received from 29th September, 1860, to 29th September, 1861,	928	7	10½
Paid Clerks' Fees from 29th September, 1860, to 29th September, 1861,	220	10	2½
Paid Bookbinders' Wages during same period,	78	0	0
Paid Sundries during same period,	98	1	5½
Paid Balance payable to Suitors' Fee Fund from 29th September, 1860, to 29th September, 1861,	531	16	2½
	928	7	10½

3.—Schedule of Fees chargeable in the Rolls Office of Her Majesty's High Court of Chancery in Ireland.

	£	s.	d.
For enrolling every Duke's Patent,	19	0	0
For enrolling every Marquis's, Earl's, Viscount's, and Archbishop's Patent,	19	0	0
For enrolling every Bishop's and Baron's Patent,	11	10	0
For enrolling every Baronet's Patent,	6	18	4
For enrolling Commissioner of Appeal,	1	14	9½
For enrolling every Patent, save where Fees are exempted by order of Treasury—for every roll of 720 words or fraction,	1	6	8
For every Order in Council,	0	16	3
For surrender of Patent,	1	10	0
For enrolling of Deeds, Inquisitions, Powers of Attorney, &c.—per roll,	0	10	0
For every Bill or Rejoinder filed,	0	0	6
For every Amended Bill,	0	2	8½
For attested Copies of Pleadings or Enrolments—per sheet of seventy-two words,	0	0	6½
For re-attesting same—for every twenty sheets of seventy-two words,	0	1	0
For every Search,	0	2	6
For every Certificate and Constat of Documents enrolled,	0	10	0
For Certificate of Pleadings or Enrolment,	0	2	6
For every Certificate of Naturalization,	0	2	8½
For every Convert's Certificate,	0	0	6
For every Convert's Certificate—Qualification of a Catholic,	0	1	0
For all Decrees enrolled,	0	6	0
For every Six-Clerk's Writ,	0	0	6
For every Broad Seal,	0	5	0
For every attendance in Court with Records,	0	10	0
For Deeds disappropriating or disuniting Parishes,	0	13	4
For every Letter of Guardianship,	0	5	5
For setting down for hearing every Cause in Rolls Court,	0	5	5

Court of Chancery, Ireland. — Returns respecting Fees. — Rolls Office.

Schedule of Fees—continued.

	£	s.	d.
For attested Copies of Pleadings before copied—for each sheet of three folios of seventy-two words,	0	0	10½
For every Order in Council creating Perpetual Cures or Chapels of Ease,	0	3	4
For enrolling Deeds under the Church Temporalities Act,	0	2	6
For enrolling Awards of Commissioners for Enclosing of Commons and Waste Lands,	2	10	0
For inspection of do. on Record,	0	1	0
For copies of do., per sheet,	0	0	2
For filing every Cause Petition,	0	10	0
For filing every Affidavit,	0	2	6
For filing every Amendment,	0	2	6
For filing Interrogatories,	0	10	0
For filing Suggestion,	0	2	6
For enrolling Deeds, Erecting or Endowing of Churches, &c.,	0	10	0
For enrolling Deed of Exchange for Ecclesiastical purposes,	0	6	8
For enrolling Deed, Glebe Lands,	0	10	0
For every Search for Specifications or Letters Patent,	0	1	0
For every sheet of ninety words,	0	0	2

4 A.—Amounts produced by each kind of Fee received in the Pleading Department of the Rolls Office for the year ending 29th September, 1861.

	£	s.	d.
Wide Sheet Copies,	447	9	6
Close Sheet Copies,	134	14	8¼

Amounts produced by each kind of Fee—continued.

	£	s.	d.
Petitions,	313	0	0
Amendments,	9	5	0
Interrogatories,	1	0	0
Certificates,	39	13	4
Suggestions,	3	2	6
Searches,	18	18	0
Re attesting,	1	18	0
Affidavits,	28	17	6

B.—Amount produced by each kind of Fee received in the Enrolling Department of the Rolls Office during the year ending the 29th September, 1861.

	Irish Currency. £	s.	d.	British Currency. £	s.	d.
Constat Copies,	155	6	6½	143	7	7
Duplicates and Transcripts of Church Deeds,	2	17	6	2	13	0¾
Certificates,	0	17	6	0	16	1¼
Church Deeds,	15	10	0	14	6	1¼
Deeds barring Entail and Instruments enrolled,	359	10	0	331	16	11
Searches,	10	2	6	9	6	11½
Order in Council,	0	10	3	0	9	5½
Inquisition,	0	6	8	0	6	2
Letters Patent,	55	13	4	51	7	8½
Copies of Specifications,	0	7	7	0	7	0
Decrees,	3	18	0	3	12	0
Letter of Naturalization,	0	10	0	0	9	2¾

Crown and Hanaper Office.

II.—2. Returns from Crown and Hanaper Office.

1.—The Gross Amount of Fees received in the Crown and Hanaper Office, in the years ending 29th September, 1859, 1860, 1861.

	£	s.	d.
29th September, 1859,	754	0	0½
„ 1860,	607	7	10
„ 1861,	518	8	9

Note.—The change of Government in 1859, and consequent issue of a large number of Patents, and swearing in of Law Officers, &c., together with the fact of a number of Inspectors of Police being placed in the commission of the peace for temporary purposes, during the General Election, caused the increase in the receipts for the year 1859.

2.—Copy of the Quarterly Account of Fees and Expenditure thereout, and Payments to or from the Suitors' Fee Fund, in the year ending 29th September, 1861.

—	—	Cash received in Office. £	s.	d.	Cash received from Suitors' Fee Fund. £	s.	d.	Expenditure for Crown and Hanaper Office. £	s.	d.	Expenditure for Lord Chancellor's Secretary's Office. £	s.	d.	Salary to Tipstaffs of the Court of Chancery. £	s.	d.
1860.																
October 19,	Amount of fees received for quarter ending this day,	84	18	5	–			–			–			–		
	Cash from Suitors' Fee Fund,	–			285	13	5	–			–			–		
	Expenditure for Hanaper Office,	–			–			308	14	4	–			–		
	Salary to Tipstaffs,	–			–			–			–			61	17	6
1861.																
January 19,	Amount of fees received this quarter,	134	14	5	–			–			–			–		
	Cash from Suitors' Fee Fund,	–			414	10	9	–			–			–		
	Expenditure for Hanaper Office,	–			–			325	10	9	–			–		
	Expenditure for Lord Chancellor's Secretary's Office,	–			–			–			161	16	11	–		
	Salary to Tipstaffs,	–			–			–			–			61	17	6
April 19,	Amount of fees received,	172	1	3	–			–			–			–		
	Suitors' Fee Fund,	–			281	2	0	–			–			–		
	Expenditure for Hanaper Office,	–			–			324	9	5	–			–		
	Expenditure for Secretary's Office,	–			–			–			66	16	4	–		
	Salary to Tipstaffs,	–			–			–			–			61	17	6
July 19,	Amount of fees received,	150	9	5	–			–			–			–		
	Suitors' Fee Fund,	–			332	11	0	–			–			–		
	Expenditure for Hanaper Office,	–			–			320	18	6½	–			–		
	Expenditure for Secretary's Office,	–			–			–			100	4	4½	–		
	Salary to Tipstaffs,	–			–			–			–			61	17	6
	Total,	542	3	6	1,313	17	2	1,279	13	0½	328	17	7½	247	10	0

COURT OF CHANCERY, IRELAND.

Returns respecting Fees.

Crown and Hanaper Office.

SUMMARY.

	£	s.	d.
Total amount of fees received for year ending 19th July, 1861,	542	3	6
Total amount received from Suitors' Fee Fund,	1,313	17	2
Total,	1,856	0	8

	£	s.	d.
Expenditure for Lord Chancellor's Secretary's Office, as per Lord Chancellor's Warrant,	328	17	7½
Salary for Tipstaffs of Court of Chancery and Rolls,	247	10	0
Salary for Clerk of the Hanaper, and Clerks in his Office,	1,111	7	4
Printing, Stationery, &c.,	85	11	4
Postage for Hanaper Office, Car-hire, Stamps for Quarterly Accounts,	15	16	10½
Scrivenery,	29	11	3½
Postage, Poll-Books (Election of Cork),	15	4	0
Housekeeper's Salary and Expenses,	22	2	2½
Total,	1,856	0	8

3.—A TABLE of the FEES now receivable in the OFFICE, on each proceeding or document.

	Late Currency. £	s.	d.	Total in Present Currency. £	s.	d.
1. For every Commission of the Peace, Dedimus, and Oaths (if for an Earl, Viscount, Bishop or Lord),	2	8	0			
Queen's silver thereon,	0	2	0			
Side Seal on Commission,	0	0	7½			
Queen's silver on Seal,	0	0	4½			
Side Seal on Dedimus,	0	0	7½			
Queen's silver on Seal,	0	0	4½			
Filing Dedimus and Oaths,	0	3	4			
Total,	2	15	4	2	11	1
2. For do., if for a private person,	1	18	4			
Queen's silver thereon,	0	2	0			
Side Seal on Commission,	0	0	7½			
Queen's silver on Seal,	0	0	4½			
Side Seal on Dedimus,	0	0	7½			
Queen's silver on Seal,	0	0	4½			
Filing Dedimus and Oaths,	0	3	4			
Total,	2	5	8	2	2	2
3. For every Commission appointing a Master Extraordinary,	1	13	6			
Side Seal on Commission,	0	0	7½			
Queen's silver on same,	0	0	4½			
Dedimus and Oaths,	0	8	8			
Side Seal on Dedimus,	0	0	7½			
Queen's silver on same,	0	0	4½			
Filing Dedimus and Oaths,	0	3	4			
Total,	2	7	6	2	3	10½
4. For every Commission of Inquiry,	0	12	0			
Side Seal thereon,	0	0	7½			
Queen's silver on Seal,	0	0	4½			
Total,	0	13	0	0	12	0
5. For every Commission of Delegates,	0	12	0			
Side Seal thereon,	0	0	7½			
Queen's silver on Seal,	0	0	4½			
Total,	0	13	0	0	12	0
6. For every Commission of Lunacy,	0	12	0			
Side Seal thereon,	0	0	7½			
Queen's Silver on Seal,	0	0	4½			
Total,	0	13	0	0	12	0
7. For Copy of every Order when required (be it long or short),	0	2	0	0	1	10½
8. Dedimus and Oaths for Resident Magistrate,				0	12	0
9. For preparing and attesting Copies of Records or any Office Document, per sheet of 72 words,	0	0	8	0	0	7½
10. For every Certificate that shall be required from the Office,	0	2	6	0	2	4
11. For receiving and transmitting a Barrister's consent to act as Commissioner on controverted Elections of Members to serve in Parliament,	0	6	8	0	6	2
12. For Filing every Dedimus to swear a Justice of the Peace, with return thereon and Oaths annexed,	See Commission of the Peace (included therein).					
13. For do., every Writ, Pleading, or other Document that the Officer shall be required to file in the Office,	0	3	4	0	3	1
14. For the Seal of every Letters of Guardianship,	1	5	5	1	3	5½
15. For entering every Order on Proceedings at the Petty Bag side,	0	2	0	0	1	10½
16. For Administering the Oaths of Office to all Officers who shall be sworn before the Lord Chancellor,	2	5	6	2	2	0
17. For swearing in every Barrister-at-Law,	1	2	9	1	1	0
18. For every Patent of a Duke,	20	0	0			
Queen's silver thereon,	1	0	3			
Great Seal,	0	6	3			
Queen's silver on Seal,	0	15	0			
Total,	22	1	6	20	7	6½
19. For do., of a Marquis,	15	0	0			
Queen's silver thereon,	1	0	3			
Great Seal,	0	6	3			
Queen's silver on Seal,	0	15	0			
Total,	17	1	6	15	15	3
20. For Patent of an Earl,	12	13	4			
Queen's silver thereon,	1	0	3			
Great Seal,	0	6	3			
Queen's silver on Seal,	0	15	0			
Total,	14	14	10	13	12	2
21. For do. of a Viscount,	8	13	4			
Queen's silver thereon,	1	0	3			
Great Seal,	0	6	3			
Queen's silver on Seal,	0	15	0			
Total,	10	14	10	9	18	4
22. For do. of a Baron,	6	16	8			
Queen's silver thereon,	1	0	3			
Great Seal,	0	6	3			
Queen's silver on Seal,	0	15	0			
Total,	8	18	2	8	4	5½
23. For the several Patents of Donation, &c., on the appointment of an Archbishop,	10	13	4			
Queen's silver thereon,	2	0	6			
Commission to swear,	0	8	8			
4 Great Seals, at 6*s.* 3*d.* each,	1	5	0			
Queen's silver on each Seal, 15*s.*,	3	0	0			
Filing Commission,	0	3	4			
Total,	17	10	10	16	3	10

COURT OF CHANCERY, IRELAND.

Returns respecting Fees.

Crown and Hanaper Office.

COURT OF CHANCERY, IRELAND.

Returns respecting Fees.

Crown and Hanaper Office.

	Late Currency. £ s. d.	Total in Present Currency. £ s. d.
24. For do. on the appointment of a Bishop,	6 13 4	
Queen's silver thereon,	3 0 9	
Commission to swear,	0 8 8	
4 Great Seals, at 6*s.* 3*d.*,	1 5 0	
Queen's silver on each Seal, 15*s.*,	3 0 0	
Filing Commission,	0 3 4	
Total,	14 11 1	13 8 8½
25. For every Patent of a Dean,	1 6 8	
Queen's silver thereon,	1 0 3	
Great Seal,	0 6 3	
Queen's silver on Seal,	0 15 0	
Total,	3 8 2	3 2 11
26. For the Patent of every Grant of Ecclesiastical Livings,	1 6 8	
Queen's silver thereon,	1 0 3	
Great Seal,	0 6 3	
Queen's silver on Seal,	0 15 0	
Total,	3 8 2	3 2 11
27. For every Patent granting Fairs and Markets,	1 6 8	
Queen's silver thereon,	1 0 3	
Great Seal,	0 6 3	
Queen's silver on Seal,	0 15 0	
Total,	3 8 2	3 2 11
28. For every Patent of a Lord Chancellor or Judge,	1 13 4	
Queen's silver thereon,	1 0 3	
Great Seal,	0 19 6	
Queen's silver on Seal,	0 1 6	
Fee on swearing in,	2 5 6	
Total,	6 0 1	5 10 10½
29. For every Patent of Attorney-General, Solicitor-General, Sergeant-at-Law, Master in Chancery, or other Officer,	1 13 6	
Queen's silver thereon,	1 0 3	
Great Seal,	0 19 6	
Queen's silver on Seal,	0 1 6	
Fee on swearing in,	2 5 6	
Total,	6 0 3	5 11 0
30. For drawing, engrossing, and issuing every Grant of an Escheatorship,	1 13 6	
Queen's silver on Seal,	1 0 3	
Great Seal,	0 6 3	
Queen's silver on Seal,	0 15 0	
Total,	3 15 0	3 9 3
31. For every Patent of Custos Rotulorum,	1 13 4	
Great Seal,	0 6 3	
Queen's silver on Seal,	0 15 0	
Total,	2 14 7	2 10 4
32. For every Patent of a Pension,	1 5 0	
Queen's silver thereon,	1 0 3	
Great Seal,	0 6 3	
Queen's silver on Seal,	0 15 0	
Total,	3 6 6	3 1 4½
33. For every Patent of Office not before enumerated,	1 13 6	
Queen's silver thereon,	1 0 3	
Great Seal,	0 19 6	
Queen's silver thereon,	0 1 6	
Total,	3 14 9	3 9 0

	£ s. d.	Late Currency. £ s. d.	Total in Present Currency. £ s. d.
34. For every Patent of an Annuity, per Skin,	1 0 0		
Queen's silver thereon,		1 0 3	
Great Seal,		0 6 3	
Queen's silver on Seal,		0 15 0	
35. For every Patent granting Lands, per Skin,	1 5 0		
Queen's silver thereon,		1 0 3	
Great Seal,		0 6 3	
Queen's silver on Seal,		0 15 0	
36. For every Patent granting Pardon (not in forma Pauperis), per Skin,	1 0 0		
Queen's silver thereon,		1 0 3	
Great Seal,		0 6 3	
Queen's silver on Seal,		0 15 0	
37. For every Patent granting Charter for Cities and Towns Corporate, and Denization of a Private Person, for the first Skin,	1 6 8		
For every succeeding Skin,	1 0 0		
Great Seal,		0 6 3	
Queen's silver on Seal,		0 15 0	
38. For every Patent not before enumerated, per Skin,	1 0 0		
Great Seal,		0 6 3	
Queen's silver on Seal,		0 15 0	
39. For the Seal of every Patent, except Patent of Offices,		0 6 3	
Queen's silver thereon,		0 15 0	
Total,		1 1 3	0 19 7½
40. For Search for every Record or Document, and furnishing Extract of such Document if found,		0 3 4	0 3 1
41. For the Transmiss of every Record to the Court of Queen's Bench, per Roll,		0 13 4	
42. For every Writ of Venire Facias and Mittimus for transferring a Record,		0 17 4	
Side Seal,		0 0 7½	
Queen's silver on Seal,		0 0 4½	
Total,		0 18 4	0 16 11
43. For every Writ of Elegit,		1 2 0	
Side Seal,		0 0 7½	
Queen's silver on Seal,		0 0 4½	
Total,		1 3 0	1 1 3
44. For every Writ of Extent or Writ of Ad quod damnum,		0 12 0	
Side Seal,		0 0 7½	
Queen's silver on Seal,		0 0 4½	
Total,		0 13 0	0 12 0
45. For every Writ of Scire Facias and every Office Writ, except Writs for the Election of Members to serve in Parliament, and Writs to supersede Justices of the Peace,		0 8 8	
Side Seal,		0 0 7½	
Queen's silver on Seal,		0 0 4½	
Total,		0 9 8	0 8 11

COURT OF CHANCERY, IRELAND.

Returns respecting Fees.

Crown and Hanaper Office.

Court of Chancery, Ireland. — Returns respecting Fees. — Crown and Hanaper Office.

	Late Currency. £ s. d.	Total in Present Currency. £ s. d.
46. For all Writs necessary for the Election of a Temporal Peer, and for all other acts necessary to be and usually done by the Clerk of the Crown and Hanaper on such Elections, ...	50 0 0	46 3 1

4.—A Statement of the Amount produced by each kind of Fee levied in the Office in the year ending 29th September, 1861.

	£ s. d.	£ s. d.
Ten Patents for Appointments, at £3 9*s.*, ...	34 10 0	
One Patent for a Fair, . . .	3 2 11	
Twelve Patents for Church Livings, at £3 3*s.*, ...	37 16 0	
Three Patents for Pensions, at £3 1*s.* 4*d.*, ...	9 4 0	
One Patent for a Theatre, . .	6 16 7	
One Patent for Charter to National Education, Ireland, .	5 18 1	
		97 7 7
One Hundred and Thirty Commissions of the Peace, at £2 2*s.* 2*d.*,	274 1 8	
One Commission for a Nobleman,	2 11 1	
		276 12 9
Fee on swearing in Officers to Court of Chancery—thirteen at £2 2*s.*, . . .		27 6 0
Fee on swearing in Barristers—seventeen at £1 1*s.*, ...		17 17 0
Seven Commissions appointing Masters Extraordinary, at £2 3*s.* 10½*d.*, . . .		15 7 1½
Two Commissions of Delegates, at 12*s.*, .		1 4 0
Seventeen Dedimuses and Oaths for Resident Magistrates, at 12*s.*, ...		10 4 0
One Dedimus and Oath for a Divisional Magistrate for Dublin, ...		0 12 0
Three Dedimuses for Queen's Counsel to act as Magistrates, at 12*s.*, ...		1 16 0
Six Writs De Lunatico Inquirendo, at 12*s.*, .		3 12 0
Two Writs De Coronatore Eligendo, at 12*s.*,		1 4 0
Two Writs of Ad Quod Damnum, at 12*s.*, .		1 4 0
One Writ of Ne Exeat Regno, . . .		0 8 11
Nine Writs of Scire Facias, at 8*s.* 11*d.*, .		4 0 3
Thirty-five Searches and Certificates, at 5*s.* 5*d.*,		9 9 2
Six Searches, at 3*s.* 1*d.*, ...		0 18 6
Transcript of a Commission of Lunacy to England, Mittimus, &c., ...		2 1 7
Enrolment of Judgments, 11 Rolls, at 12*s.* 4*d.*,		6 15 8
Ten Certificates of Taxed Costs, at 2*s.* 4*d.*, .		1 3 4
Certificate of vacating a Judgment, . .		0 1 0
Amount received for filing Scire Facias, Commissions of Lunacy, entering Orders, &c.		13 15 3½
Amount received for attested Copies, &c., .		12 15 7½
Amount received for Queen's Silver, . .		12 12 10½
Twenty-four Commissions of Assize for Counties at large, Spring and Summer Assizes, ...		No Fees.
Twenty-four Commissions of Assize for Cities and Towns, Spring and Summer Assizes,		do.
Patent appointing Lord Justices in absence of Lord Lieutenant, ...		do.
Patent to administer the oaths to Lords Justices, ...		do.
Patent granting leave and licence to Lord Chancellor, ...		do.
Patent appointing Commissioners of Great Seal in his absence, ...		do.
Patent appointing Sir Robert Peel Keeper of the Privy Seal, ...		do.
Engrossing five Proclamations under the Peace Preservation Act, ...		do.
Engrossing Supersedeas for Justices of the Peace, ...		do
Engrossing Commission of Association for Judge of Assize, ...		do.
Engrossing Dedimuses under Towns Improvement Act, ...		do.
Engrossing Commission to reinstate a J.P.,		do.
Engrossing two Writs of Election, and when transmitting same to London, copies, to keep as Records, ...		do

Court of Chancery, Ireland. — Returns respecting Fees. — Crown and Hanaper Office.

Master Litton's Office.

II.—3. Returns from Master Litton's Office.

Master Litton's Office.

1.—The Gross Amount of Fees received in Master Litton's Examiner's Office in the years ending 29th September, 1859, 1860, and 1861, respectively.

1859.	1860.	1861.
£642 18*s.* 6*d.*	£582 2*s.* 6*d.*	£560 11*s.* 1*d.*

2.—A Copy of the Monthly Accounts of Fees and Expenditure thereout, and Payments to or from the Suitors' Fee Fund, in the year ending 29th September, 1861:—

	Receipts. £ s. d.	Expenditure. £ s. d.
1860, October, . . .	40 19 0	18 15 1
„ November, . . .	45 10 6	20 0 11½
„ December, . . .	31 12 0	16 5 4
1861, January, . . .	59 12 1	23 7 7
„ February, . . .	42 16 0	19 2 7
„ March, . . .	46 8 6	20 1 8½
1861, April, . . .	53 19 0	22 3 1
„ May, ...	61 9 6	24 0 8½
„ June, ...	56 2 0	22 5 7
„ July, ...	59 12 0	22 11 7
„ August, . . .	52 6 6	21 12 2½
„ September, . . .	10 4 0	11 4 4
Total, . . .	560 11 1	241 10 9

The incidental expenses of the Office for the year 1861 were paid from the Suitors' Fee Fund, and amounted to £100, as follows:—

	£ s. d.
Stationery, ...	29 10 7
Return per Act of Parliament, . .	15 0 0
Housekeepers, ...	28 18 0
Remuneration to Clerk for extra duties,	26 11 5
	100 0 0

3.—A Table of Fees now receivable in the Office of Master Litton's Examiner:—

	Irish Currency. £ s. d.
1. For examining and taking down in writing the deposition of the first witness in any cause or matter, in answer to the first interrogatory, in each book of depositions on which he shall be examined, ...	0 3 8
2. For like, to every other interrogatory which shall be exhibited at the desire of the party to such witness, . . .	0 2 2
3. For examining and taking down in writing the deposition of the second and each other witness who shall be examined in such cause or matter in answer to each interrogatory which shall be exhibited to such witness, .	0 2 2
4. For each sheet consisting of seventy-two words, of copies of such depositions and interrogatories when required, and attesting same as true copies, . .	0 0 6½
5. For examining a witness, when the Examiner shall be required to go out of his office for the purpose, . . .	1 2 9
6. Copies of reports, charges, discharges, and all other documents which shall be required from the office of the Master or his Examiner; for each sheet containing seventy-two words, reckoning, however, the year, when expressed by figures, as one word, and any number of pounds expressed by figures as one word, and the like as to shillings and as to pence; thus, £1 2*s.* 9*d.*, to be calculated as three words, . .	0 0 6½
7. For preparing each Lease and counterpart to be executed by Master in Chancery, ...	British. 1 0 0
For preparing each Lease without counterpart, ...	0 15 0

Court of Chancery, Ireland. Returns respecting Fees. Master Litton's Office.

	Irish Currency. £ s. d.
8. Making search for any papers which have been more than three years in the office, and of which no copy shall be required by the party seeking it, .	0 3 4
9. For examining a witness out of his office under the authority of any special order of the Court, subject, however, to be increased by the Court making the rate of such fee part of the order, not exceeding five guineas per day for going thirty miles from Dublin, . .	1 2 9
[10. For preparing and engrossing draft of the Master's report for signature; for every folio of seventy-two words, .	0 0 6½
11. For every folio of seventy-two words; for Master's Clerk, for engrossing such interrogatories as are prepared by the Master himself, ...	0 0 6

4.—A Statement of the Amount produced by each kind of Fee levied in the Office in the year ending 29th September, 1861:—

	£ s. d.
Amount produced by Fees on Searches, .	0 6 1
Amount produced by Fees on Leases, . .	15 10 0
Amount produced by Copies of charges, discharges, &c., and engrossing reports at 6d., British, per folio, ...	544 15 0
Total, ...	560 11 1

Master Brooke's Office.

II.—4. Returns from Master Brooke's Office.

1.—The Gross Amount of Fees received in Master Brooke's Office in the years ending 29th September, 1859, '60, and '61, respectively.

	£ s. d.
Gross amount received in 1859, . . .	503 13 10
„ „ 1860, . . .	432 8 1
„ „ 1861, . . .	446 2 1

2.—Copy of the Quarterly or Monthly Account of Fees and Expenditure thereout, and Payments to or from the Suitors' Fee Fund, in the year ending September, 1861.

No such quarterly or monthly account was ever kept in this office. The whole amount above stated was paid to the credit of the Suitors' Fee Fund, after deducting thereout charges for Scrivenery, and the salaries provided for Scrivenery Clerks, pursuant to Act 4 Geo. IV., cap. 61, and Treasury Warrant, dated 14th April, 1859; and

	£ s. d.
The payments from the Suitors' Fee Fund were—first, the deductions aforesaid, viz., for Scrivenery, pursuant to said Act, . .	101 4 6
For Salaries to two Scrivenery Clerks, pursuant to the said Treasury Warrant, . .	182 0 0
Secondly—Payments by Drafts of the Accountant-General, pursuant to the Lord Chancellor's order and Court of Chancery, Ireland, Regulation Act, 1850, viz.:—	
Salary to Examiner, ...	660 0 0
„ Assistant Clerk, . . .	375 0 0
Salary to Master's Registrar, . . .	215 0 0
Office incidentals, ...	94 10 6

3.—A Table of the Fees now receivable in the Office of Master Brooke's Examiner—*see Table 3 in Returns from Master Litton's Office.*

4.—A Statement of the Amount produced by each kind of Fee levied in the Office in the year ending 29th September, 1861.

Reference to the Schedule appended will show that these Fees are divided into four classes, viz.:—Examination of Witnesses, for which special fees provided; Copies of Documents, including Engrossment of Reports, and Engrossing Interrogatories prepared by the Master; making Search in the Office for Documents to Agreement, and the preparation of Leases.

The Fees for this business in the year ending September, 1861, as follows, viz.:—

	£ s. d.
Examination of Witnesses by Examiner, .	None.
Copying Documents, including Engrossing Reports, Orders, &c., as above, . . .	433 14 4
For Searches, pursuant to said Act, . .	1 7 9
For Leases, ...	11 0 0
Gross Total Amount, . .	446 2 1

Master Murphy's Office

II.—5. Returns from Master Murphy's Office.

No. 1.—The Gross Amount of Fees received in Master Murphy's Examiner's Office, in the years ending 29th September, 1859, 1860, 1861, respectively.

1859.	1860.	1861.
£667 3s. 3½d.	£539 6s. 5d.	£713 14s.

No. 2.—A Copy of the Monthly Accounts of Fees and Expenditure thereout, and Payments to or from the Suitors' Fee Fund, in the year ending 29th September, 1861.

	£ s. d.	£ s. d.
Amount of Fees received from 29th September to 31st October, 1860, ...		34 10 7
Deduct amount paid for Scrivenery at the rate of 1½d (Irish) per folio, £7 7s. 1½d., Irish, .	6 15 9½ Br.,	
Deduct amount paid for comparing 1,105 folios, at rate of 2½d. (Irish) for every twenty folios, 11s. 8d., Irish, . .	0 10 9½ Br.,	
Deduct amount paid Scrivenery Clerk at rate of 10s. per week, pursuant to order of 3rd June, 1859, ...	2 3 4	
		9 9 10½
Balance paid to credit of Suitors' Fee Fund Account, . . .		25 0 8½
Amount of Fees received during November, 1860, ...		71 1 2½
Deduct amount paid for Scrivenery, ...	16 4 5½	
Deduct amount paid for comparing Documents, . . .	1 7 3¾	
Deduct amount paid Scrivenery Clerk, ...	2 3 4	
		19 15 1¼
Paid into Suitors' Fee Fund, . . .		51 6 1¼
Amount of Fees received during December, 1860, . . .		86 5 0
Deduct amount paid for Scrivenery, ...	15 14 10½	
Deduct amount paid for comparing, ...	1 3 10½	
Deduct amount paid Scrivenery Clerk, ...	2 3 4	
		19 2 1
Balance paid to Suitors' Fee Fund, . .		67 2 11
Amount of Fees received during January, 1861, . . .		77 13 6½
Deduct amount paid for Scrivenery, ...	17 17 9	
Deduct amount paid for comparing Documents, . . .	1 9 9½	
Deduct amount paid Scrivenery Clerk, ...	2 3 4	
		21 10 10½
Paid into Suitors' Fee Fund, . . .		56 2 8

Court of Chancery, Ireland. — Returns respecting Fees. — Master Murphy's Office.

	£ s. d.	£ s. d.
Amount of Fees received during February, 1861,		61 12 2
Deduct amount paid for Scrivenery,	13 4 5½	
Deduct amount paid for comparing,	1 1 3½	
Deduct amount paid Scrivenery Clerk,	2 3 4	
		16 9 1
Paid into Suitors' Fee Fund,		45 3 1
Amount of Fees received during March, 1861,		59 14 9
Deduct amount paid for Scrivenery,	13 1 0	
Deduct amount paid for comparing,	1 1 4	
Deduct amount paid Scrivenery Clerk,	2 3 4	
		16 5 8
Paid into Suitors' Fee Fund,		43 9 1
Amount of Fees received during April, 1861,		60 11 6
Deduct amount paid for Scrivenery,	13 19 5½	
Deduct amount paid for comparing,	1 3 3	
Deduct amount paid Scrivenery Clerk,	2 3 4	
		17 6 0½
Paid into Suitor's Fee Fund,		43 5 6½
Amount of Fees received during May, 1861,		64 0 8
Deduct amount paid for Scrivenery,	13 18 0¾	
Deduct amount paid for comparing,	1 2 8¼	
Deduct amount paid Scrivenery Clerk,	2 3 4	
		17 4 1
Paid into Suitors' Fee Fund,		46 16 7
Amount of Fees received during June, 1861,		89 16 3½
Deduct amount paid for Scrivenery,	20 16 7¼	
Deduct amount paid for comparing,	1 14 9¾	
Deduct amount paid Scrivenery Clerk,	2 3 4	
		24 14 9
Paid into Suitors' Fee Fund,		65 1 6½
Amount of Fees received during July, 1861,		62 5 2½
Deduct amount paid for Scrivenery,	13 17 1¾	
Deduct amount paid for comparing,	1 2 10	
Deduct amount paid Scrivenery Clerk,	2 3 4	
		17 3 3¾
Paid into Suitors' Fee Fund Account,		45 1 10¾
Amount of Fees received from 1st August, up to and including the 29th September, 1861,		46 9 1
Deduct amount paid for Scrivenery,	9 14 2¼	
Deduct amount paid for comparing,	0 17 8¼	
Deduct amount paid Scrivenery Clerk,	4 6 8	
		14 18 6½
Paid into Suitors' Fee Fund Account,		31 10 6½

The Incidental Expenses of the Office for the year 1861 were paid from the Suitors' Fee Fund, and amounted to £94 5*s.* 2*d.*, as follows:—

	£ s. d.
Housekeeper,	27 18 0
Preparation of Annual Return,	15 0 0
Remuneration to Clerk for extra services,	25 0 0
Stationer,	26 7 2
Total,	94 5 2

The salaries of the officers, a return of which has before been sent in, were also paid from the Suitors' Fee Fund.

No. 3.—A Table of Fees now receivable in the Office of Master Murphy's Examiner—*see Table* 3 *in Returns from Master Litton's Office.*

No. 4.—A Statement of the Amount produced by each kind of Fee levied in the Office, in the year ending 29th September, 1861.

	£ s. d.
Amount produced by Fees on Searches,	3 7 10
Amount produced by Fees on Leases,	51 15 0
Amount produced by copies of Charges, Discharges, &c., and engrossing Reports, at 6*d.*, British, per folio,	658 11 2
Total,	713 14 0

II.—6. Returns from Master Fitzgibbon's Office.

Master Fitzgibbon's Office.

1.—The Gross Amount of Fees received in Master Fitzgibbon's Office in the years ending 30th September, 1859, 1860, and 1861, respectively.

	£ s. d.
Year ending 30th September, 1859,	335 7 10
" " " 1860,	315 3 0
" " " 1861,	248 12 6

2.—Copy of the Monthly Accounts of Fees and Expenditure thereout, and Payments to or from the Suitors' Fee Fund, in the year ending 30th September, 1861.

From 1st to 31st October, 1860.	£ s. d.
Balance on foot of last account,	5 8 3
Amount of Cash received for Fees and Emoluments of said Office for the above period, as per the Office Cash Book,	4 19 7
	10 7 10
Deduct amount of Cash paid for Scrivenery at the rate of 1½*d.* per Office folio, pursuant to said Act, £0 15 10½	
Salary, 9 2 0	
	9 17 10½
Balance in Examiner's hands, and paid to the Suitors' Fee Fund,	0 9 11½

From 1st to 31st November, 1860.	£ s. d.
Amount of Cash received for Fees and Emoluments of said Office for the above period, as per the Office Cash Book,	22 2 1
Deduct amount of Cash paid for Scrivenery at the rate of 1½*d.* per Office folio, pursuant to said Act, £5 4 3	
Salary, 9 2 0	
	14 6 3
Balance in Examiner's hands, and paid to the Suitors' Fee Fund,	7 15 10

From 1st to 24th December, 1860.	£ s. d.
Amount of Cash received for Fees and Emoluments of said Office for the above period, as per the Office Cash Book,	20 8 1
Deduct amount of Cash paid for Scrivenery at the rate of 1½*d.* per Office folio, pursuant to said Act, £4 13 0	
Salary, 9 2 0	
	13 15 0
Balance in Examiner's hands, and paid to the Suitors' Fee Fund,	6 13 1

From 3rd to 31st January, 1861.

	£	s.	d.
Amount of Cash received for Fees and Emoluments of said Office for the above period, as per the Office Cash Book,	26	2	7
Deduct amount of Cash paid for Scrivenery at the rate of 1½*d.* per Office folio, pursuant to said Act, £5 16 1½			
Salary, 9 2 0			
	14	18	1½
Balance in Examiner's hands, and paid to the Suitors' Fee Fund,	11	4	5½

From 1st to 28th February, 1861.

	£	s.	d.
Amount of Cash received for Fees and Emoluments of said Office for the above period, as per the Office Cash Book,	20	17	6
Deduct amount of Cash paid for Scrivenery at the rate of 1½*d.* per Office folio, pursuant to said Act, £5 4 4½			
Salary, 9 2 0			
	14	6	4½
Balance in Examiner's hands, and paid to the Suitors' Fee Fund,	6	11	1½

From 1st to 28th March, 1861.

	£	s.	d.
Amount of Cash received for Fees and Emoluments of said Office for the above period, as per the Office Cash Book,	40	10	7
Deduct amount of Cash paid for Scrivenery at the rate of 1½*d.* per Office folio, pursuant to said Act, £6 12 10½			
Salary, 9 2 0			
	15	14	10½
Balance in Examiner's hands, and paid to the Suitors' Fee Fund,	24	15	8½

From 3rd to 30th April, 1861.

	£	s.	d.
Amount of Cash received for Fees and Emoluments of said Office for the above period, as per the Office Cash Book,	22	1	7
Deduct amount of Cash paid for Scrivenery at the rate of 1½*d.* per Office folio, pursuant to said Act, £5 0 7½			
Salary, 9 2 0			
	14	2	7½
Balance in Examiner's hands, and paid to the Suitors' Fee Fund,	7	18	11½

From 1st to 31st May, 1861.

	£	s.	d.
Amount of Cash received for Fees and Emoluments of said Office for the above period, as per the Office Cash Book,	35	4	3
Deduct amount of Cash paid for Scrivenery at the rate of 1½*d.* per Office folio, pursuant to said Act, £6 17 3			
Salary, 9 2 0			
	15	19	3
Balance in Examiner's hands, and paid to Suitors' Fee Fund,	19	5	0

From 1st to 29th June, 1861.

	£	s.	d.
Amount of Cash received for Fees and Emoluments of said Office for the above period, as per the Office Cash Book,	24	18	1
Deduct amount of Cash paid for Scrivenery at the rate of 1½*d.* per Office folio, pursuant to said Act, £5 12 6			
Salary, 9 2 0			
	14	14	6
Balance in Examiner's hands, and paid to Suitors' Fee Fund,	10	3	7

From 1st to 31st July, 1861.

	£	s.	d.
Amount of Cash received for Fees and Emoluments of said Office for the above period, as per the Office Cash Book,	15	8	6
Deduct amount of Cash paid for Scrivenery at the rate of 1½*d.* per Office folio, pursuant to said Act, £3 14 4½			
Salary, 9 2 0			
	12	16	4½
Balance in Examiner's hands, and paid to Suitors' Fee Fund,	2	12	1½

From 1st to 31st August, 1861.

	£	s.	d.
Amount of Cash received for Fees and Emoluments of said Office for the above period, as per the Office Cash Book,	10	4	2
Deduct amount of Cash paid for Scrivenery at the rate of 1½*d.* per Office folio, pursuant to said Act, £2 9 6			
Salary, 9 2 0			
	11	11	6
Deficiency due to Clerk, and advanced by James A. Lyle,	1	7	4

From 3rd to 27th September, 1861.

	£	s.	d.
Amount of Cash received for Fees and Emoluments of said Office for the above period, as per the Office Cash Book,	5	15	6
Deduct amount of Cash paid for Scrivenery at the rate of 1½*d.* per Office folio, pursuant to said Act, £1 8 10½			
Salary, 9 2 0			
	10	10	10½
Deficiency due Clerk, and advanced by James A. Lyle,	4	15	4½

PARTICULARS of the INCIDENTAL EXPENSES of the OFFICE of JAMES A. LYLE, Esq., Examiner to MASTER FITZGIBBON, for one year ended 1st November, 1861.

	£	s.	d.	£	s.	d.
1. Mrs. Hayes' Bill for Stationery,				28	2	9
2. Alexander Thom and Sons' Memorandum Book for Lunatic and Minor matters,				0	15	6
3. One year's wages to Office-keeper,	40	0	0			
4. Candles and Soap,	4	16	10			
5. Office requisites,	5	3	6			
	50	0	4			
Deduct half, charged to County Treasurers' Fee Fund,	25	0	2			
				25	0	2
6. Clerks for making out Annual Returns, pursuant to Act 4 & 5 Wm. IV. c. 78, and General Order,				15	0	0
7. J. Brophy, for additional services, as in Order of 9th April, 1861, set forth,				25	0	0
Postages and petty disbursements,				0	10	10
				94	9	3

3.—A TABLE of the FEES now receivable in the OFFICE of MASTER FITZGIBBON'S EXAMINER as follows—*see Table* 3 *in Returns from Master Litton's Office.*

4.—A STATEMENT of the AMOUNT produced by each kind of FEE levied in the OFFICE in the year ending 30th September, 1861, viz.:—

	£	s.	d.
For Copies of Reports, Charges, Discharges, and all other documents,	201	8	7
For preparing Leases,	45	10	0
For making search for any papers which have been more than three years in the Office,	1	13	0

Court of Chancery, Ireland. — Returns respecting Fees. — Lord Chancellor's Secretary's Office.

II.—7. Returns from the Lord Chancellor's Secretary's Office.

	£	s.	d.
No. 1. Gross amount of Fees received in the year ending 29th September, 1859,	1,092	11	1
Do., do., 1860,	997	3	0
Do., do., 1861,	940	15	10

No. 2. The entire amount of Fees received has been lodged to the credit of the Suitors' Fee Fund Account, pursuant to the Court of Chancery (Ireland) Regulation Act, 1850. An annual sum of £50 is allowed for the incidental expenses of the office, which is paid by the Accountant-General half-yearly, on the Lord Chancellor's Order, out of the Suitors' Fee Fund.

3. Table of Fees.

	British. £	s.	d.
No. 1. For the Patent of an Archbishop, Duke, Marquis, or Earl,	5	6	2
„ 2. For the Patent of a Viscount or Baron,	4	4	11¼
„ 3. For the Patent of a Bishop, Chancellor, or Chief Justice,	3	3	8¼
„ 4. For the Patent of a Baronet, Dean, or Judge,	2	2	5½
„ 5. For each name or denomination in a Fiat,	0	8	3¾
„ 6. For a Warrant of a Custos Rotulorum,	4	12	3¾
„ 7. For a Warrant for a Justice of the Peace,	2	2	5½
„ 8. For a Warrant for a Writ of Ease,	1	12	3¾
„ 9. For a Warrant for a Master Extraordinary,	2	2	5½
„ 10. For a Warrant for a Sheriff,	0	12	5½
„ 11. For a Warrant for a Writ de excommunicato capiendo, "ad quod damnum, Commission of Delegates, Commission of Lunacy, Commission of Valuation, for the Election of a Coroner, to exonerate a Coroner, each,	0	12	5½
„ 12. For every other Warrant to the Hanaper,	0	12	5½
„ 13. For a Fiat on a Significavit,	0	12	5½
„ 14. For a Letter missive,	0	18	5½
„ 15. For an Order on Petition,	0	11	6½
„ 16. For Docket of enrolment of Decree,	0	12	5½
No. 17. For a Caveat,	0	4	1½
„ 18. For every Writ of Injunction,	0	4	1½
„ 19. For every Writ of Error signed by the Lord Chancellor,	0	3	8¼
„ 20. For copies of Judges' notes of trial on issues from Chancery, per folio, of 72 words,	0	0	6

Note.—Several of the above Fees are not now received, owing to the change of practice consequent on the operation of the Court of Chancery Regulation Act, 1850, and other causes.

Corresponding Fees now levied in the Court of Chancery in England on each proceeding or document.*

4.—Statement of the Amount produced by each kind of Fee levied in the Office in the year ending 29th September, 1861.

	£	s.	d.
130 Warrants for Commissions of the Peace, at £2 2s. 5½d. each,	275	19	7
1,010 Petitions, at 11s. 6½d. each,	582	17	1
12 do. „ 12s. 5½d. „	7	9	6
534 Writs of Injunction, at 4s. 1½d. each,	11	2	9
7 Warrants for appointment of Masters and Commissioners Extraordinary, at £2 2s. 5½d. each,	14	17	2½
11 Dockets of Enrolment of Decrees, at 12s. 5½d. each,	6	17	4½
7 Caveats, at 4s. 1½d. each,	1	8	10½
1 Warrant for Commission of Delegates,	0	12	5½
6 Warrants for Commissions of Lunacy, at 12s. 5½d. each,	3	4	9
2 Warrants for Election of Coroner, at 12s. 5½d. each,	1	14	11
1 Warrant reinstating a Magistrate,	0	12	5½
Copies of Judges' notes of trial,	8	13	7½
Fees received quarterly from the Castle on appointments, presentations, &c.,	25	5	3
	940	15	10

* There are not materials in the Lord Chancellor's Secretary's Office to enable him to fill up the above.

Registrar's Office.

II.—8. Returns from the Registrar's Office.

1.—The Gross Amount of Fees received in the Chancery Registrar's Office in the years ending 19th October, 1859, 1860, and 1861 respectively.

	£	s.	d.
In 1859,	6,682	9	9
„ 1860,	6,189	14	6
„ 1861,	5,115	1	11

2.—A Copy of the Quarterly or Monthly Account of Fees and Expenditure thereout, and Payments to or from the Suitors' Fee Fund, for the year ending 19th October, 1861.

Quarter Days.	Fees. £	s.	d.	Payments out of Suitors' Fee Fund. £	s.	d.	Gross Expenditure. £	s.	d.
1861.									
19th January,	1,326	12	9	888	10	2	2,215	2	11
18th April,	1,440	1	8	885	4	7	2,325	6	3
19th July,	1,759	6	11	467	1	9	2,226	8	8
19th October,	589	0	7	1,744	14	8	2,333	15	3
	5,115	1	11	3,985	11	2	9,100	13	1

I have made the return up to the 19th of October, as being the quarter-day in the Registrar's Office.

3.—A Table of Fees now receivable in the Office, with a Column showing the corresponding Fee* now levied in the Court of Chancery in England on each proceeding or document.

	Late Irish Currency. £	s.	d.
1. For entering every Attachment,	0	1	0
2. For entering a rule in Rule Book, whether on Petition or otherwise,	0	2	6
3. For drawing, entering, and signing every Order, and furnishing a copy thereof, if not exceeding one side or sheet containing seventy-two words,	0	2	6
4. If it exceed one side or sheet, for every side or sheet after seventy-two words, each, Any one fraction of a sheet to be charged ten pence, as an entire sheet, but not more than one fraction to be charged for, or on any one document.	0	0	10
5. For drawing, entering, and signing every Order upon hearing of a cause, and furnishing a copy thereof,	0	6	8
6. If it exceed one sheet or side of seventy-two words, for every side or sheet of seventy-two words,	0	0	10
7. For drawing, entering, and signing every Decretal Order, and furnishing a copy,	0	6	8
8. And if it exceed one side or sheet of seventy-two words, for every side after,	0	0	10
9. For drawing, entering, and signing every final dismiss, and furnishing a copy,	0	6	8
10. And if it exceed one side or sheet of seventy-two words, for every side after,	0	0	10
11. For drawing, entering, and signing every Order of Guardianship,	0	2	6
12. And if it exceed one side or sheet of seventy-two words, for every side after,	0	0	10
13. For drawing, entering, and signing every Order upon a Petition, and furnishing a copy,	0	2	6
14. If it exceed one side or sheet of seventy-two words, for every such side or sheet after,	0	0	10

* No means of making this return.

Court of Chancery, Ireland. Returns respecting Fees. Registrar's Office.

	Late Irish Currency. £ s. d.
15. For entering, filing, copying, and signing any Report, Certificate, Exception, Account, Submission, Award, Commission of Partition, Judge's Certificate, Order of the Lords, or Articles of Impeachment, ...	0 3 6
16. If the copy exceed one side or sheet of seventy-two words, for such side or sheet after; the year, where expressed in the document by figures, to be calculated as one word, the number of pounds expressed as one item to be reckoned as one word, and the same as to shillings and pence, . . .	0 0 10
17. For every copy of notes on hearing, .	0 6 8
18. If it exceed one side or sheet of seventy-two words, for every such side or sheet after, ...	0 0 10
19. For the copy of every Report, Order, Certificate, Exception, or other document required from the Office (other than the copies to be furnished at the time of entering as before set forth), for every side of seventy-two words, . .	0 0 6½
20. For every search per term; looking into the Rule Books of the three last years not however being considered a search,	0 0 4
21. For every certificate upon search, . .	0 2 6
22. Entering and filing a set of depositions,	0 3 6
23. Inspecting Accountant-General's Draft on Bank of Ireland, and comparing same with the order, checking, and countersigning, ...	0 6 8
24. For every certificate under the Act of the 11th and 12th Victoria, cap. 120, including a duplicate thereof—British,	1 1 1
25. For signing and certifying documents for proof, pursuant to the Act of 14 and 15 Vic., cap. 99, for every folio of ninety words, ... British,	0 0 4

4.—A Statement of the Amount produced by each kind of Fee levied in the Office in the year ending the 29th September, 1861,

Would occupy some months in making out.

II.—9. Returns from Appearance and Writ Office.

Appearance and Writ Office.

1.—Gross Amount of Fees received in the Appearance and Writ Office of the Court of Chancery in the years ending the 19th day of October, 1859, 1860, 1861.

	£ s. d.	
1859, . . .	3,367 16 4	Total.
1860, . . .	3,075 18 5	£9,166 8 8
1861, . . .	2,722 13 11	

2.—An Account of all Fees and Sums of Money received by Yelverton Dawson, as Clerk of the Appearances and Writs of the Court of Chancery in Ireland, and of the application thereof, and the disbursements made thereout.

Dr.

1861.	£ s. d.
To amount balance due at foot of my last quarter's account retained in my hands to meet the expenses of the then next ensuing quarter, ...	42 1 10
Jan. 19, Amount Fees received for the quarter, ...	785 4 0
„ Advance from the Suitors' Fee Fund, ...	300 0 0
	1,127 5 10

Contra.—Cr.

1861.	
Jan. 19, By amount incidental expenses allowed by the Lord Chancellor,	9 13 4
„ Henry Darley, quarter's salary, .	150 0 0
„ Thomas Berry, like, . .	150 0 0
„ Self, like, . .	150 0 0
„ Nicholas Keatinge, esq., . .	75 0 0
„ John A. Mons, ...	86 5 0
„ William Richey, ...	40 0 0
„ Patrick Blake, ...	43 15 0
„ Ralph Foster, ...	40 0 0
„ Francis Fletcher, ...	36 5 0
„ Henry Hemsworth, . . .	26 5 0
„ George Pigott, Clerk in Accountant-General's Office, . . .	62 10 0
„ William Buchanan, like, . .	37 10 0
„ Queen's Silver, ...	2 15 4½
„ Retained in my hands to meet expenses of ensuing quarter, .	217 7 1½
	1,127 5 10

Passed before Master Litton, 29th April, 1861.

Dr.

1861.	£ s. d.
To amount due at foot of my last quarter's account retained in my hands to meet the expenses of the next quarter, . . .	217 7 1½
April 19, Amount Fees received for the quarter, ...	758 12 10
	975 19 11½

Contra.—Cr.

1861.	
April 19, By amount incidental expenses allowed by the Lord Chancellor,	13 12 10
„ Henry Darley, quarter's salary, .	150 0 0
„ Thomas Berry, like, .	150 0 0
„ Self, like, .	150 0 0
„ Nicholas Keatinge, esq., . .	75 0 0
„ John A. Mons, ...	90 0 0
„ William Richey, ...	40 0 0
„ Patrick Blake, ...	45 0 0
„ Ralph Foster, ...	41 10 0
„ Francis Fletcher, ...	37 10 0
„ Henry Hemsworth, . . .	27 10 0
„ George Pigott, Clerk in Accountant-General's Office, . . .	62 10 0
„ William Buchanan, like, . .	37 10 0
„ Queen's Silver, ...	2 19 1
„ Retained in my hands to meet the expenses of the ensuing quarter,	53 2 11½
	975 19 11½

Passed before Master Litton, 29th April, 1861.

Dr.

1861.	£ s. d.
To amount due at foot of my last quarter's account retained in my hands to meet the expenses of the then next ensuing quarter,	53 2 11½
July 19, Received from Suitors' Fee Fund,	650 0 0
„ To amount Fees received for the quarter, ...	898 9 1
	1,601 12 0½

Contra.—Cr.

1861.	
July 19, By amount incidental expenses allowed by the Lord Chancellor,	12 11 9
„ Henry Darley, quarter's salary, .	150 0 0
„ Thomas Berry, like, .	150 0 0
„ Self, like, .	150 0 0
„ Nicholas Keatinge, esq., . .	75 0 0
„ John A. Mons, ...	90 0 0
„ William Richey, ...	42 10 0
„ Patrick Blake, ...	45 0 0

COURT OF CHANCERY, IRELAND. — Returns respecting Fees. — Appearance and Writ Office.

1861.		£	s.	d.
July 19,	Ralph Foster,	41	5	0
,,	Francis Fletcher,	37	10	0
,,	Henry Hemsworth,	27	10	0
,,	George Pigott, Clerk in Accountant-General's Office,	66	5	0
,,	William Buchanan, like,	40	0	0
,,	Queen's Silver,	5	7	1
,,	Retained in my hands to meet the expenses of the ensuing quarter,	668	13	2½
		1,601	12	0½

Passed before Master Litton, 7th November, 1861.

Dr.

1861.		£	s.	d.
	To amount due at foot of my last quarter's account retained in my hands to meet the expenses of the then next ensuing quarter,	668	13	1½
Oct. 19,	Amount Fees received for quarter,	280	8	0
		949	1	1½

Contra.—Cr.

1861.		£	s.	d.
Oct. 19,	By amount incidental expenses allowed by the Lord Chancellor,	8	0	0
,,	Henry Darley, quarter's salary,	150	0	0
,,	Thomas Berry, like,	150	0	0
,,	Self, like,	150	0	0
,,	Nicholas Keatinge, esq.,	75	0	0
,,	John A. Mons,	90	0	0
,,	William Richey,	42	10	0
,,	Patrick Blake,	45	0	0
,,	Ralph Foster,	41	5	0
,,	Francis Fletcher,	37	10	0
,,	Henry Hemsworth,	27	10	0
,,	George Pigott, Clerk in Accountant-General's Office,	66	5	0
,,	William Buchanan, like,	40	0	0
,,	Queen's Silver,	1	18	10
,,	Retained in my hands to meet expenses of the ensuing quarter,	24	2	3½
		949	1	1½

Passed before Master Litton, 7th November, 1861.

3.—TABLE of FEES payable in the OFFICE of the CLERK of APPEARANCES and WRITS, commencing the 26th August, 1843.

No. I.

	£	s.	d.
*1. For signing every Bill,	0	3	1
*2. Term Fee on signing same,	0	8	11
*3. For entering every Appearance where the number of Defendants shall not exceed three,	0	3	1
*4. If more than three, for every three Defendants,	0	6	2
*5. Term Fee on every Appearance where the number of Defendants shall not exceed three,	0	8	11
*6. If more than three, for every three Defendants a Term Fee of	0	12	0
*7. And where the number of Defendants appearing by the same Solicitor shall exceed three, or any number of sets of three, and not sufficient to make up another set of three, then for every Defendant over such set of three a Term Fee of	0	6	0
*8. For each Pleading (except Bills), and for each Schedule which shall be annexed thereto, and which would heretofore require the signature of a Six-Clerk,	0	3	0
9. For each Charge, Discharge, Consent, and any other Document to which the signature of a Six-Clerk was required, and for which no other Fee is provided in this Schedule,	0	3	0
10. For every Petition,	0	6	0
11. For every Notice of Motion,	0	2	6
12. For every other Notice,	0	2	6
13. For every Motion, whether grounded on Petition or on Notice, or a Rule or Motion of course,	0	3	0
14. For transmitting every Copy of a Summons,	0	1	0
15. On vacating a Recognizance,	0	12	6
*16. Attested Copy Exceptions, for each sheet of 72 words,	0	0	6
*17. For preparing and engrossing a Writ of Execution, or Exemplification of a Decree, for each skin of 800 words,	1	5	0
*18. For enrolling Letters of Guardianship and Committeeship,	0	6	0
*19. For preparing and engrossing Exemplification thereof,	0	12	6
*20. For Exemplification of any other Order,	0	12	6
21. For every Writ of Subpœna and Seal,	0	10	0
22. For every Writ of Attachment and Seal,	0	7	0
*23. Proclamation of Rebellion and Seal,	0	8	6
*24. Commission of Rebellion and Seal,	0	8	6
*25. Sergeant-at-Arms and Seal,	0	8	6
26. Writ of Sequestration and Seal,	0	12	6
*27. Distringas against Corporation and Seal,	0	12	6
*28. For every Scire Facias and Seal,	0	8	6
*29. For every Writ of Dedimus Potestatem to take an Answer, or Answers, and to examine Witnesses, Commission to Arm the Master or Arbitrators, and Seal,	0	8	6
30. For every Injunction and Seal,	0	8	6
31. For every Supersedeas and Seal,	0	8	6
32. For every Commission of Perambulation, Oaths, Notice, and regulating the return and Seal,	0	8	6
33. For every Writ of Partition, Oaths, and Notice, and regulating the return and Seal,	0	8	6
34. For every Habeas Corpus,	0	8	6
35. For every Writ of Fieri Facias,	0	12	6
36. For every Writ of Elegit,	0	12	6
37. For every Writ of Venditioni Exponas,	0	12	6
38. For every Appearance to a Cause Petition,	0	6	0

No. II.

	£	s.	d.
For every Original Writ to keep a Bill or Note within the Statute,	0	8	6
And if any of the said Writs shall exceed the length of three office sheets of 72 words each, then for every office sheet which such Writ shall contain beyond said number of three sheets, a further Fee of	0	1	0
*Writ of Certiorari,	0	4	0
*Writ of Recordari,	0	3	6
Writ of Error to the Twelve Judges, or to Parliament,	2	13	6
Writ of Error Coram Vobis,	0	14	6
Common Error to a Sheriff or Seneschal,	0	4	0
*Writs of Replevin and Recaption issuing together,	0	14	6
*Writ of False Judgment,	0	3	6
Writ of Dower,	0	3	6
*Writ of Partition,	0	3	6
Writ of Quare Impedit ne Admittas,	0	7	0
*Precipe to the Outlawry,	0	1	0
*For any Attested Copies which shall be required from the Office, for the first sheet,	0	1	0
*For every sheet after,	0	0	6

I am not aware of the corresponding Fee in the Court of Chancery in England.

4.—A STATEMENT of the AMOUNT produced by each kind of FEE levied in the OFFICE of APPEARANCES and WRITS of the COURT of CHANCERY in the year ending 19th October, 1861.

	£	s.	d.
8,832 Notices, at 2*s.* 6*d.*,	1,104	0	0
1,336 Signatures, at 3*s.*,	200	8	0
2,132 Motions, at 3*s.*,	324	6	0
8,308 Summonses, at 1*s.*,	415	8	0
1,019 Petitions, at 6*s.*,	305	14	0
192 Vacates, at 12*s.* 6*d.*,	120	0	0
55 Subpœnas, at 10*s.*,	27	10	0
50 Other Writs, at 8*s.* 6*d.*,	21	5	6
34 Attachments, at 7*s.*,	11	18	0
581 Appearances, at 6*s.*,	174	6	0
2 Sequestrations, at 12*s.* 6*d.*,	1	5	0
11 Renewal Attachments, at 5*s.* 2*d.*,	2	16	10
14 Writs, Fi Fa, at 12*s.* 6*d.*,	8	15	0
1 Bill,	0	12	0
3 Appearances to Subpœnas, at 12*s.*,	1	16	0
1 Writ, Quare Impedit,	0	7	0
Total,	2,720	6	10
Gross amount accounted for in the year,	2,722	13	11

☞ This discrepancy is occasioned by the difficulty of searching for, and enumerating those several Fees, amounting to over £22,500.

*Thus marked are seldom or ever levied, being almost obsolete.

II.—10. Returns from Affidavit Office.

COURT OF CHANCERY, IRELAND. Returns respecting Fees. Affidavit Office.

No. 1.—Return showing the Gross Amount of Fees received in the Chancery Affidavit Office, for three years ending 19th October, 1861.

	£	s.	d.
Year ending 19th October, 1859, .	2,055	11	0½
Do., do., 1860, .	4,058	12	5
Do., do., 1861, .	3,515	17	4½

N.B.—The amount of cash received is exclusive of one shilling, box money, and of the Crier's Fee of four pence, late currency, on each Affidavit filed; the box money is a charity fund, paid over quarterly by the Clerk of the Affidavits, under the direction of the Lord Chancellor; and the Crier's Fee is paid by the Assistant Clerk (who receives same, and keeps account thereof), to the Crier himself.

No. 2.—An Account of all Fees received by M. J. Brady, Esq., as Clerk of the Affidavits of the Court of Chancery in Ireland, and of the application thereof, and of the disbursements made thereout.

1861.	*Dr.*	£	s.	d.
Jan. 19,	To cash, being the amount of all Fees received for the quarter ending this day, . . .	976	19	9
		976	19	9

1861.	*Cr.*			
Jan. 19,	By cash lodged to the credit of the Suitors' Fee Fund Account,	575	2	0
,,	By paid incidental expenses, as allowed by the Lord Chancellor, .	14	6	1½
,,	By paid Scriveners' Fees on 12,440 Office Sheets, at 1½*d.* per, late Irish currency, ...	71	15	3½
,,	Retained by the Clerk of the Affidavits, his Quarter's Salary, .	150	0	0
,,	By paid Mr. Joseph Maddock, Assistant Clerk of the Affidavits, do.	75	0	0
,,	By paid William Maddock, do., .	25	0	0
,,	By paid Thos. R. Burrowes, do., .	25	0	0
,,	By paid William Smallman, Scrivenery Clerk, at rate of £2 2*s.* per week, ...	27	13	0
,,	By paid Frederick Bramble, do., at rate of £1 per week, . .	13	3	4
		976	19	9

1861.	*Dr.*			
April 19,	To cash, being the amount of all Fees received for the quarter ending this day, . . .	955	5	6½
		955	5	6½

1861.	*Cr.*			
April 19,	By cash lodged to the credit of the Suitors' Fee Fund Account,	541	8	11½
,,	By paid incidental expenses, as allowed by the Lord Chancellor, .	19	3	4
,,	By paid Scriveners' Fees on 13,846 Office Sheets, at 1½*d.* per, late Irish currency, ...	79	17	7
,,	Retained by the Clerk of the Affidavits, his Quarter's Salary, .	150	0	0
,,	By paid Mr. Joseph Maddock, Assistant Clerk of the Affidavits, do.	75	0	0
,,	By paid William Maddock, do., .	25	0	0
,,	By paid Thos. R. Burrowes, do., .	25	0	0
,,	By paid William Smallman, Scrivenery Clerk, at rate of £2 2*s.* per week, ...	26	19	0
,,	By paid Frederick Bramble, do., at rate of £1 per week, . .	12	16	8
		955	5	6½

1861.	*Dr.*			
July 19,	To cash, being the amount of all Fees received for the quarter ending this day, . . .	1,159	18	8½
		1,159	18	8½

1861.	*Cr.*			
July 19,	By cash lodged to the credit of the Suitors' Fee Fund Account,	500	3	4
	By paid incidental expenses, as allowed by the Lord Chancellor, .	13	8	5
,,	By paid Scriveners' Fees on 13,578 Office Sheets, at 1½*d.* per, late Irish currency, ...	78	6	8½
,,	Retained by the Clerk of the Affidavits, his Quarter's Salary, .	150	0	0
,,	By paid Mr. Joseph Maddock, Assistant Clerk of the Affidavits, do.	75	0	0
,,	By paid William Maddock, do., .	25	0	0
,,	By paid Thos. R. Burrowes, do., .	25	0	0
,,	By paid William Smallman, Scrivenery Clerk, at rate of £2 2*s.* per week, ...	27	6	0
,,	By paid Frederick Bramble, do., at rate of £1 per week, . .	13	0	0
,,	Retained for expenses of next quarter, ...	252	14	3
		1,159	18	8½

1861.	*Dr.*			
Oct. 19,	To cash being the amount of all Fees received for the quarter ending this day, . . .	423	13	4½
,,	To amount retained from quarter ending 19th July last, to meet expenses of present quarter, .	252	14	3
		676	7	7½

1861.	*Cr.*			
Oct. 19,	By Cash, lodged to the credit of the Suitors' Fee Fund Account,	309	19	4
,,	By paid incidental expenses, as allowed by the Lord Chancellor, .	11	1	0
,,	By paid Scriveners' Fees on 6,233 Office Sheets, at 1½*d.* per, late Irish currency, ...	35	19	3½
,,	Retained by the Clerk of the Affidavits, his Quarter's Salary, .	150	0	0
,,	By paid Mr. Joseph Maddock, Assistant Clerk of the Affidavits, do.	75	0	0
,,	By paid William Maddock, do., .	25	0	0
,,	By paid T. R. Burrowes, do., .	25	0	0
,,	By paid William Smallman, Scrivenery Clerk, at rate of £2 2*s.* per week, ...	27	13	0
,,	By paid Frederick Bramble, Scrivenery Clerk, six weeks at £1; seven weeks at £1 10*s.*; and one day at 5*s.*, ...	16	15	0
		676	7	7½

No. 3.—A Table of the Fees payable at the above Office, pursuant to the Acts 4 George IV., cap. 61; and 6 & and 7 Wm. IV., cap. 74, sec. 4; and the 12th and 19th General Orders, dated 10th October, 1836.

	Late Currency. £	s.	d.
For receiving and filing every Affidavit, and furnishing an attested copy thereof to the party filing same; for the first sheet, of seventy-two words (including the Crier's Fee of four pence on each Affidavit), .	0	2	4
For every other sheet of seventy-two words each, if such Affidavit exceeds one sheet, .	0	0	10
For preparing and furnishing an attested copy of an Affidavit which shall have been filed in the Office, for the first sheet, of seventy-two words, ...	0	1	6
For every other sheet of seventy-two words, if it exceeds one, ...	0	0	10
For every search, where the party desiring such search shall not require a copy of the document sought for, ...	0	3	4
For preparing and signing every certificate which the Officer shall be required to give,	0	2	6
For carrying any Record into Court, or any of the Masters' Offices, by command of the Lord Chancellor, or Master of the Rolls, .	0	3	4
For attending in any of the Courts of Law, or any other Court, with any Record of the Office; for each day that the officer shall attend therewith, ...	0	10	0
For furnishing an extract from an Affidavit which shall have been filed in the Office, when such extract does not exceed three Office sheets of seventy-two words each, .	0	3	4

Court of Chancery, Ireland. — Fees received by Officers for their own benefit. — Digby P. Starkey, esq., Accountant-General, Court of Chancery, Ireland.

III.—Returns showing, for three years, the Fees for Officers' own benefit received by Officers in Court of Chancery in Ireland.

Court of Chancery, Ireland. — Fees received by Officers for their own benefit. — Digby P. Starkey, esq., Accountant-General, Court of Chancery, Ireland.

III.—1. Return from Digby P. Starkey, Esq., Accountant-General, Court of Chancery, Ireland.

No. 1.—Gross Amount of Fees received in the Office of the Accountant-General of the Court of Chancery in the

	£	s.	d.
Year ending 29th September, 1859,	151	17	7
„ 29th September, 1860,	135	11	1
„ 29th September, 1861,	129	10	4
	416	19	0

No. 2.—Fees placed by the Accountant-General to his own credit, under the 4 George IV., cap. 61, sec. 56, being the Amount received to 31st March, 1859, — £ 82 16 6

Salary of Mr. G. F. Lloyd, paid quarterly by the Accountant-General, pursuant to Order of 18th March, 1859; proportion of Salary to—

	£	s.	d.
31st March, 1859,	3	14	6
1st July, 1859,	25	0	0
1st October, 1859,	25	0	0
1st January, 1860,	25	0	0
1st April, 1860,	25	0	0
1st July, 1860,	27	10	0
1st October, 1860,	27	10	0
1st January, 1861,	27	10	0
1st April, 1861,	27	10	0
1st July, 1861,	30	0	0
	243	14	6

Lodged to the credit of the Suitors' Fee Fund Account—

	£	s.	d.
4th November, 1859,	16	9	1
5th January, 1860,	13	17	9
5th May, 1860,	17	6	2
8th April, 1861,	16	6	2
	63	19	2
	390	10	2

Balance in Accountant-General's hands at 29th September, 1861, — — 26 8 10

No. 3.—Fees payable pursuant to the Statute of 4 George IV., cap. 61, sec. 56 :—

For copies of Accounts extracted from the Books of the Accountant-General, the sum of 2*d.* per line for every line on the Debtor side of such Account, and the like sum of 2*d.* for every line on the Credit side of such Account, if the said Account shall consist of forty lines, or any less number on each side of the said Account; and if the said Account shall consist of any greater number of lines than forty on each side of the said Account, then the sum of one pound and no more.

17th June, 1862. (Signed), Digby P. Starkey, *Accountant-General.*

H. M. Quinan, esq., Examiner, Court of Chancery, Ireland.

III.—2. Return from H. M. Quinan, Esq., Examiner, Court of Chancery, Ireland.

H. M. Quinan, esq., Examiner, Court of Chancery, Ireland.

1.

	£	s.	d.
Year ending 29th September, 1859,	55	19	3
„ 29th September, 1860,	96	3	5
„ 29th September, 1861,	45	6	6

2. The Charges or Deductions payable out of such Fees in the Year ending 29th September, 1861 :—

	£	s.	d.
Scrivenery 1,573 sheets, at 1½*d.* Irish,	9	1	6
Stationery,	5	7	9
Housekeeper and incidentals,	5	10	6
British,	19	19	9

3. The Fees receivable in my Office are specified in the Table No. 6 to the Act of 4 George IV., cap. 61—a copy of which Table is herewith furnished, as also is a copy of the Fees receivable in the Office of the Examiner in the Court of Chancery in England.

4. A Statement showing the Amount produced by each kind of Fee received by me in the Year ending 29th September, 1861 :—

	£	s.	d.
1,573 Office sheets, at 6½*d.* Irish,	39	6	6
12 Deponents, at 2*s.* 2*d.* Irish,	1	4	0
52 Exhibits, at 2*s.* Irish,	4	16	0
British,	45	6	6

Fees receivable in my Office pursuant to Act of Parliament of 4 George IV., cap. 61, Table No. 6 :—

	£	s.	d.
1. For the first Witness examined in a cause, whether upon one or upon several Interrogatories, including the Crier's Fee of four pence,	0	3	8
2. For every other Witness examined in like manner in the same cause, including the Crier's Fee,	0	2	2
3. For the Copy of all such Depositions as are taken by the Examiner-in-Chief in person, to be paid by the party lodging the Interrogatories; for each sheet of 72 words,	0	0	10

Court of Chancery, Ireland. Fees received by Officers for their own benefit. H. M. Quinan, esq., Examiner, Court of Chancery, Ireland.

	£	s.	d.
4. For all other Copies of Interrogatories and Depositions required by any person out of the Office; for each sheet of 72 words,	0	0	6½
5. For every Search within 12 months for any Document of which there shall not be a true Copy required by the person desiring to have such Searches made,	0	2	6
6. For looking into every term before,	0	0	4
7. For every Deed or other Document which shall be exhibited to a Witness on his examination by or before the Examiner, and for certifying the same as having been so exhibited,	0	2	0
8. For every Certificate the Examiner shall be required to give,	0	2	6
9. For swearing and examining every Witness where the Officer shall, under the authority of the Court, go out of his Office for the purpose,	0	16	8
If the Officer shall be required to go beyond the limits of the Circular-road, Dublin, the charge for such examination to be such as shall be expressed in the Order.			
10. For comparing with originals, and re-attesting the Copies of any Depositions which shall be required to be made use of in any Court of Common Law, or on an appeal; for each Book of Depositions,	0	6	8

Fees receivable in the Examiner's Office of the Court of Chancery in England, under the Consolidated General Orders of the Court:—

	£	s.	d.
For every Witness sworn and examined; for each hour,	0	5	0
For every application to inspect Depositions, including the inspection,	0	3	0
Upon every application to search Book for Causes, including Search,	0	1	0
Upon every application to search Book for Depositions, including Search,	0	1	0

Fees receivable under the General Orders and Rules of said Court, issued on the 5th day of February, 1861, being expenses allowed to an Examiner of the Court when acting under any Order mentioned in the 12th of such Rules:—

	£	s.	d.
For every day in which he is necessarily, and without any default of his own, detained in the performance of such duty; for his expenses,	1	1	0
For every mile he travels from the Examiner's Office to the place of examination, and from one of the places of examination or cross examination (if more than one) to another of them, and from the place where he last acts in such examination or cross-examination to the Examiner's Office, the sum of	0	1	6

(Signed), H. M. Quinan, *Chief Examiner, Chancery.*
Dated 27th June, 1862.

III.—3. Return from James Morrin, Esq., Clerk of Enrolments in Chancery.

James Morrin, esq., Clerk of Enrolments, Court of Chancery, Ireland.

Note.—I was appointed to my present Office on the 1st April, 1860.

No. 1. Gross Fees received by me as Clerk of Enrolments, in the Rolls Office, from 1st April, 1860, to 1st April, 1861:—

	£	s.	d.
Inspecting Stamps,	13	11	0
Certificates,	0	2	6
Swearing Affidavits,	2	2	0

Gross Fees received by me from 1st April, 1861, to 1st April, 1862:—

	£	s.	d.
Inspecting Stamps,	14	4	0
Certificates,	0	2	6
Swearing Affidavits,	1	11	6

No. 2. No Deductions.

No. 3. Table of Fees* now received by me as Clerk of Enrolments, with the authority for same:—

For each Certificate pursuant to 6 George IV., cap. 30,	£	s.	d.
	0	0	10
For inspection of Stamps on each document for enrolment, 56 George III., cap. 56, sec. 99,	0	1	0
Swearing each Affidavit out of the Office, pursuant to 4 & 5 William IV., cap. 78, sec. 9:—			
In the City,	0	10	6
In the Country,	1	1	0

No. 4. Statement of the Amount produced by each kind of Fee received by me in the year ending 29th September, 1861:—

	£	s.	d.
Three Certificates,	0	2	6
Inspection of Stamps,	13	3	0
Swearing Affidavits out of the Office,	1	11	6

* I do not know what are the corresponding Fees in the English Chancery.

III.—4. Return from J. J. Digges La Touche, Esq., Clerk, Rolls Office, Ireland.

J. J. Digges LaTouche, esq., Clerk, Rolls Office, Ireland.

Answer to Queries Nos. 1 and 2.

	£	s.	d.
1. Gross Fees received by me as Chief Clerk from 1st April, 1860, to 1st April, 1861,	91	13	5
Gross Fees received by me as Chief Clerk from 1st April, 1861, to 1st April, 1862,	85	16	3¾

2. No deduction payable thereout.

Answer to Query No. 3.

Conducting Clerk's Fees.

6 Geo. IV., cap. 30, for every close sheet,	0	0	2
4 Geo. IV., cap. 61, for every 20 wide sheets,	0	1	0
6 Geo. IV., cap. 30, for every Certificate,	0	0	10

The above are paid in Irish money.

Customary fee, as paid my predecessors, for every Lis pendens,	0	1	0

Answer to Query No. 4.

	£	s.	d.
Fees received on close sheets, from 29th Sept., 1860, to 29th Sept., 1861,	25	13	9½
Fees received on wide sheets, from 29th Sept., 1860, to 29th Sept., 1861,	41	7	1
Fees received on Certificates, from 29th Sept., 1860, to 29th Sept., 1861,	13	1	7½
Fees received on Lis pendens, from 29th Sept., 1860, to 29th Sept., 1861, about	3	10	0

I only came into office on the 1st April, 1860.

(Signed), J. J. Digges La Touche.

Court of Chancery, Ireland. — Fees received by Officers for their own benefit. — F. B. Martley, esq., Chief Clerk, Registrar's Office, Court of Chancery, Ireland.

III.—5. Return from F. B. Martley, Esq., Chief Clerk, Registrar's Office, Court of Chancery, Ireland.

1. The Gross Fees received by the said F. B. Martley, for his own benefit, in the years ending 29th September, 1859, 1860, and 1861, respectively :—

	£	s.	d.
Year ending 29th September, 1859, .	60	10	0
Year ending 29th September, 1860, .	59	15	0
Year ending 29th September, 1861, .	59	0	0

2. The charges or deductions, if any, payable out of said Fees in the year ending 29th September, 1861 :—

About £3, expense of books and stationery.

3. A Table of the Fees now receivable by said F. B. Martley, with the authority for the same, with a column showing the corresponding Fee* in the Court of Chancery in England :—

	£	s.	d.
Fee for entering and registering Solicitor's Licence, pursuant to the provisions of the Statute of 56 Geo. III., cap. 56, sec. 66,	0	1	0

4. A Statement of the amount produced by each kind of Fee received by said F. B. Martley in the year ending 29th September, 1862 :—

I receive no fee but the foregoing ; and the amount produced by it is stated in the answer to No. 2.

(Signed), F. B. Martley, *Chief Clerk, Registrar's Office.*

24th June, 1862.

* I am not aware whether there is any corresponding Fee in the Court of Chancery in England.

James Walker, esq., Clerk of Recognizances, Court of Chancery, Ireland.

III.—6. Return from James Walker, Esq., Clerk of Recognizances of the Court of Chancery in Ireland.

	£	s.	d.
Year ending 29th September, 1859, .	281	4	4½
Year ending 29th September, 1860, .	290	8	5
Year ending 29th September, 1861, .	247	0	1½

The Charges or Deductions, if any, payable out of such Fees in the year ending 29th September, 1861 :—

	£	s.	d.
Paid Clerk for Scrivenery, . . .	35	6	0
Housekeeper for care of Office, . .	4	4	0
Sundry small requisites for Office purposes, ...	8	13	2

A Table of the Fees now receivable by me, with the authority for same, with a column showing the corresponding Fee in the Court of Chancery in England :—

	Late Irish currency. £	s.	d.
1. For filing, entering, and enrolling every Recognizance, and giving Certificate of enrolment thereof, ...	0	15	10
2. For preparing and furnishing an Attested Copy of any Recognizance enrolled in the Office, ...	0	6	8
3. For making Search for any particular Recognizance, of which a copy shall not be required by the person desiring to have such Search made, ...	0	3	4
When a Search and Certificate is required of a certain Recognizance being filed or not being filed :			
4. For making such Search, and furnishing Certificate thereof, ...	0	5	10
5. For preparing Vacate of Recognizance, entering same on the Roll, and giving Certificate of Recognizance being vacated, ...	0	6	8
The above Fees are received pursuant to the Act 4 George IV., cap. 61.			
6. For signing a Certificate for the purpose of registering the filing of a Recognizance, or the vacate of same, including a duplicate thereof, ...	0	1	0
The above Fee is received pursuant to the Act 11 & 12 Vict., cap. 120.			

The following Fees are charged in England in relation to Recognizances, as far as I have been able to ascertain :—

	£	s.	d.
For filing a Recognizance, . . .	0	7	6
For a copy of same, per folio, . .	0	0	4
For vacating a Recognizance, . .	1	1	0

A Statement of the Amount produced by each kind of Fee received by me in the year ending 29th September, 1861 :—

	£	s.	d.
Fees on filing Recognizances, .	76	17	5½
Fees on copies of Recognizances, .	78	0	4
Fees on Vacates of Recognizances, .	56	8	6
Fees on Searches and Certificates, .	7	11	8
Fees on Searches, ...	15	2	2
Fees on Certificates, ...	13	0	0

(Signed),

James Walker, *Clerk of Recognizances.*

21st June, 1862.

W. Neilson Hancock, esq., LL.D., Clerk of the Custodies, Court of Chancery, Ireland.

III.—7. Return of Fees received by W. Neilson Hancock, Esq., LL.D., Clerk of the Custodies of the Papers in the Court of Chancery in Ireland, as to matters of Idiots and Lunatics.

1. Gross Amount of Fees received by the Clerk of the Custodies of the Papers in the Court of Chancery in Ireland, in the Matters of Idiots and Lunatics, in the years ending 29th September, 1859, 1860, and 1861, respectively :—

	£	s.	d.
Year ending 29th September, 1859, .	495	15	2
Year ending 29th September, 1860, .	584	16	7
Year ending 29th September, 1861, .	569	15	3

2. Charges or Deductions payable out of such Fees for the year ending 29th September, 1861 :—

Salaries.	£	s.	d.
H. B. Magahan, ...	104	0	0
James Noonan, ...	55	9	3
Housekeeper, ...	4	4	0
Sundry postages, &c., ...	6	2	3
	£169	15	6

COURT OF CHANCERY, IRELAND. Fees received by Officers for their own benefit. W. Neilson Hancock, esq., LL.D., Clerk of the Custodies, Court of Chancery, Ireland.

3. TABLE of the FEES now receivable by such Officer, with the authority* for the same, with a column showing the corresponding Fees† in the Court of Chancery in England :—

Fees now Receivable.	£	s.	d.
1. Filing Reports, first sheet,	0	3	6
2. Filing Reports, every succeeding sheet,	0	0	10
3. Filing Affidavit and Account, first sheet,	0	2	4
4. Filing Affidavit and Account, every succeeding sheet,	0	0	10
5. Attested Copies of Reports, Accounts, and Affidavits, first sheet,	0	1	6
6. Attested Copies of Reports, Accounts, and Affidavits, every succeeding sheet,	0	0	10
7. Making out Order, first sheet,	0	2	6
8. Making out Order, every succeeding sheet,	0	0	10

(Signed), HUGH B. MAGAHAN,
Chief Clerk.

Lunacy Office, 12*th July*, 1862.

* 4 George IV., cap. 91, schedule No. 9.
† I have not any means of knowing the corresponding Fees in the Court of Chancery in England.

COURT OF CHANCERY, IRELAND. Fees received by Officers for their own benefit. W. Neilson Hancock, esq., LL.D., Clerk of the Custodies, Court of Chancery, Ireland.

T. Rice Henn, esq., Q.C., a Commissioner in Lunacy, Court of Chancery, Ireland.

III.—8. RETURN from THOMAS RICE HENN, Esq., Q.C., one of the Commissioners in Lunacy, Court of Chancery, Ireland.

T. Rice Henn, esq., Q.C., a Commissioner in Lunacy, Court of Chancery, Ireland.

48, *Upper Mount-street*,
June 28*th*, 1862.

SIR,—In compliance with the request contained in your letter of the 14th inst., I beg to state—

1. That the gross Fees received by me as Commissioner in Lunacy amounted, in the year ending 29th September, 1859, to £65 2*s.*; in the year ending 29th September, 1860, to £84; and in the year ending 29th September, 1861, to £26 5*s.*, my total receipts for the said years being a sum of £175 7*s.*

2. That no charges or deductions were payable out of such Fees for the year ending 29th September, 1861, or for any of the said years.

3. That the Fees receivable by me are Fees for presiding in Commissions de Lunatico Inquirendo: the amount of such Fees, when such Commissions are sped in Dublin, being £4 4*s.* per diem, and when sped in the country, being £10 10*s.* for the first day, and £5 5*s.* for every subsequent day during their continuance. In one case, however, in the year 1861, I received a fee of £5 5*s.* for holding an inquiry in the country as to the propriety of superseding a Commission of Lunacy, which had been issued some years previously.

These Fees are receivable by the authority of the Lord Chancellor of Ireland. There are not, as I believe, any corresponding Fees in the Court of Chancery in England, the Commissioners of Lunacy in that country being paid, in lieu of Fees, salaries, each, of £2,000 per annum.

4. The amount produced in the year ending 29th September, 1861, by Fees for presiding as Commissioner in Lunacy in Commissions de Lunatico Inquirendo, was £21; and by a Fee for holding an inquiry as to the propriety of issuing a Supersedeas, was £5 5*s.*

Your obedient servant,
(Signed), T. RICE HENN.

W. Neilson Hancock, Esq.,
&c., &c.

* No return was received from the second Commissioner. They are generally both named in all Commissions.

Medical Inspectors in Lunacy, Court of Chancery, Ireland.

III.—9. RETURN of FEES received by the MEDICAL INSPECTORS in LUNACY, Court of Chancery, Ireland.

Medical Inspectors in Lunacy, Court of Chancery, Ireland.

1. The GROSS FEES received by each of the MEDICAL INSPECTORS in LUNACY in the years ending 29th September, 1859,* 1860, and 1861, respectively :—

	1860. £	s.	d.	1861. £	s.	d.
Leonard Trant, F.R.C.S.I.,	77	14	0	38	17	0
James H. Wharton, F.R.C.S.I.,	57	15	0	34	13	0
P. M. Cullinan, M.D.,	19	19	0	14	14	0
D. C. O'Connor, M.D.,	19	19	0	10	10	0
J. R. Clarke, M.D.,	11	11	0	8	8	0
J. C. Ferguson, M.D.,	10	10	0	7	7	0
R. S. Hannay, M.D.,	10	10	0	7	7	0
C. C. King, M.D.,	7	7	0	6	6	0
R. M'Clelland, M.D.,	6	6	0	6	6	0
H. H. Boxwell, M.D.,	4	4	0	4	4	0
F. Britton, M.D.,	—			8	8	0
P. R. Connolly, M.D.,	2	2	0	3	3	0
R. Lynn, M.D.,	4	4	0	1	1	0
W. Malcomson, M.D.,	3	3	0	2	2	0
R. Gilston, M.D.,	4	4	0	—		
James Kellett, M.D.,	—			4	4	0
John James, M.D.,	—			4	4	0
Michael Gallagher, M.D.,	2	2	0	—		
John Harrison, M.D.,	2	2	0	1	1	0
R. M'Carthy, M.D.,	2	2	0	1	1	0
M. M'Garry, M.D.,	2	2	0	1	1	0
J. K. M'Conchy, M.D.,	2	2	0	1	1	0
H. K. Young, M.D.,	2	2	0	1	1	0
P. J. Nichols, M.D.,	2	2	0	1	1	0
J. J. Clarkson, M.D.,	—			2	2	0
James Dixon, M.D.,	—			2	2	0
J. J. D. Francis, M.D.,	—			2	2	0
David Greene, M.D.,	2	2	0	—		
W. A. Guy, M.D.,	2	2	0	—		
H. R. Hodder, M.D.,	—			2	2	0
H. Thompson, M.D.,	—			2	2	0
H. Nuttal, M.D.,	—			2	2	0

* Medical Inspectors not appointed until 1860.

2. The CHARGES or DEDUCTIONS, if any, payable out of such FEES in the year ending 29th September, 1861:—None.

3. TABLE of the FEES receivable by such Officer, with the authority* for the same, with a column showing the corresponding Fees† in the Court of Chancery in England :—

	Amount of Fees receivable. £	s.	d.
For first report,	2	2	0
For each subsequent report,	1	1	0

And, in case he has to travel more than five miles to visit the Lunatic, such additional Fee as the Lord Chancellor shall fix for the time and expense which such travelling shall involve.

(Signed), HUGH B. MAGAHAN,
Chief Clerk.

Lunacy Office, 12*th July*, 1862.

* General Orders in Lunacy of 11th February, 1860; Order No. 6.
† I have not any means of knowing the corresponding Fee in the Court of Chancery in England.

Court of Chancery, Ireland.

Fees received by Officers for their own benefit.

Thomas Sinton, esq., Trainbearer.

III.—10. Return from Thomas Sinton, Esq., Trainbearer to Lord Chancellor.

1. Gross Amount of Fees received for the years 1859, 1860, and 1861 :—

		£	s.	d.	£	s.	d.
1859.	Fees,	46	9	2			
	Compensation,	15	3	0			
					61	12	2
1860.	Fees,	43	19	11			
	Compensation,	15	3	0			
					59	2	11
1861.	Fees,	39	0	8			
	Compensation,	15	3	0			
					54	3	8

2. No Charges or Deductions payable out of such Fees.

3. Table of Fees received by me under the Act 4 Geo. IV., cap. 61 :—*

	£	s.	d.
For an Order of Guardianship,	0	9	0
For every Justice of the Peace,	0	5	0
For every single Patent of Honour,	2	0	0
For every Broad Seal,	0	2	0
For each and every Grant contained in every Broad Seal,	0	2	0
For every Writ of Error,	0	2	6
For every Counsel Sworn and Admitted to the Bar,	0	5	5
For every Queen's Counsel,	0	5	5
4.—9 Barristers,	2	5	0
12 Queen's Counsel,	3	0	0
Presentations, Appointments, and Pensions,	14	16	3
Exemplifications of Decree,	0	18	0
Magistrates,	32	10	0

(Signed), Thomas Sinton.

21st June, 1862.

* Officers' Fees in the Court of Chancery in England abolished in 1852.—See 15 & 16 Vic., c. 87.

Court of Chancery, Ireland.

Fees received by Officers for their own benefit.

Thomas Sinton, esq., Trainbearer.

Edmund O'Reilly, esq., Crier, Court of Chancery, Ireland.

III.—11. Return from Edmund O'Reilly, Esq., Crier of the Court of Chancery.

The Gross Fees received in the years ending 29th September, 1859, 1860, and 1861, £1,097 5*s.* 5*d.*

Deductions payable for the year ending 29th September, 1861 :

	£	s.	d.
Income Tax,	17	4	2
Five per cent. for collecting Fees,	10	19	0
Expended for Stationery,	25	0	0

Table of Fees received by the Crier of the Court of Chancery under 4 George IV., cap. 61 :

	British. £	s.	d.
1. For every Judge sworn, Puisne, Sergeant, Attorney and Solicitor-General, and Queen's Counsel, each,	2	2	0
2. Every Counsel sworn and admitted to the Bar,	2	0	4
3. For swearing any person before the Lord Chancellor in any employment,	2	2	0
4. For every Decree or Dismiss obtained the Court,	0	5	0
5. For every Affidavit filed in the Office of the Clerk of Affidavits,	0	0	3½
6. For every Deponent examined in the Examiner's Office,	0	0	3½
7. For every Affidavit filed in the Rolls Office,	0	0	4
(General Order of 2nd February, 1853).			
8. A fee of 10*s.* per day each day the Lord Chancellor sits in Court, to provide stationery,	0	10	0

(By what authority this Fee is allowed not known.)

Amount produced by each kind of Fee in the year ending 29th September, 1861 :

	£	s.	d.
On Cause Petitions,	166	17	8
On Affidavits in Affidavit Office,	86	6	3
On Swearings,	65	9	0
On Stationery,	60	0	0
On Affidavits filed in Rolls Office,	4	16	7

(Signed), Edmund O'Reilly, *Crier.*

Edmund O'Reilly, esq., Crier, Court of Chancery, Ireland.

Mr. J. D. Campbell, Tipstaff, Court of Chancery, Ireland.

III.—12. Return of Mr. J. D. Campbell, Tipstaff, Court of Chancery.

		£	s.	d.
1859—	Judges,	6	6	0
	Queen's Counsel,	1	0	0
	Junior Counsel,	1	0	0
	Chairmen,	1	15	0
	Term Fee paid at the end of Term,	2	15	5
	Causes,	0	5	0
		13	1	5
1860—	Judges,	4	4	0
	Chairmen,	1	0	0
	Queen's Counsel,	2	15	0
	Junior Counsel,	1	7	6
	Terms Fee for the Year,	2	15	5
	Causes,	0	1	6
	Master in Chancery,	0	5	0
		12	8	5
1861—	Judges,	2	12	6
	Junior Counsel,	2	0	0
	Chairmen,	0	15	0
	Terms Fee for Year,	2	15	5
	Causes,	0	3	0
	Master in Chancery,	0	5	0
		8	10	11

Fees of each Year.

	£	s.	d.
1859,	13	1	5
1860,	12	8	5
1861,	8	10	11
	34	0	9

Table of Fees.

	£	s.	d.
For each Judge,	0	10	6
For each Attorney-General,	0	10	6
For each Solicitor-General,	0	10	6
For each Sergeant-at-Law,	0	10	6
For each Master in Chancery,	0	5	0
For each Chairman,	0	5	0
For each Queen's Counsel,	0	5	0
For each Junior Counsel,	0	2	6
For each Cause set down,	0	0	6
Side Bar Fee paid at the end of Term,	0	13	10¼

The authority for those Fees are the powers vested in the Chancellor by the Act of 4 George IV., cap. 61.

(Signed), J. D. Campbell, *Tipstaff.*

Mr. J. D. Campbell, Tipstaff, Court of Chancery, Ireland.

Court of Chancery, Ireland. — Fees received by Officers for their own benefit. — Mr. James Gaffney, Tipstaff, Court of Chancery, Ireland.

III.—13. Return of Mr. James Gaffney, Tipstaff, Court of Chancery, Ireland.

1. A Statement of the Gross Fees received by James Gaffney :—

	£	s.	d.
1859—For Law Appointments,	6	6	0
For Assistant Barristers,	1	15	0
Queen's Counsel,	1	0	0
Junior Barristers,	1	0	0
Ten Causes set down for hearing,	0	5	0
A Fee of £2 15s. 5d. per year,	2	15	5
	13	1	5
1860—Law Appointments,	4	4	0
Assistant Barristers,	1	0	0
Queen's Counsel,	2	15	0
Barristers,	1	7	6
Master in Chancery,	0	5	0
Causes,	0	1	6
Terms Fee,	2	15	5
	12	8	5
1861—Law Appointments,	2	12	6
Assistant Barristers,	0	15	0
Queen's Counsel,		—	
Taxing Master in Chancery,	0	5	0
Barristers,	2	0	0
Causes,	0	3	0
Terms Fee,	2	15	5
	8	10	11

2. No Charges or Deductions on any Fees.

3. A Statement of Fees now receivable by me:— (Court of Chancery, Ireland. — Fees received by Officers for their own benefit. — Mr. James Gaffney, Tipstaff, Court of Chancery, Ireland.)

	£	s.	d.
For the Appointment of each Judge, Attorney-General, Solicitor-General, or Sergeant-at-Law,	0	10	6
For each Master in Chancery,	0	5	0
For each Assistant Barrister,	0	5	0
For each of Her Majesty's Counsel,	0	5	0
For each Barrister called to the Bar,	0	2	6
For each Cause set down for hearing,	0	0	6
For the four Terms,	2	15	5

The authority for those Fees are the powers vested in the Chancellor by the Act of 4 George IV., cap. 61.

4. A Statement of the Amount produced by each kind of Fee, 1861 :—

	£	s.	d.
Law Appointments,	2	12	6
Assistant Barristers,	0	15	0
Junior Barristers,	2	0	0
Queen's Counsel,		—	
Causes,	0	3	0
Taxing Master in Chancery,	0	5	0
Terms Fee,	2	15	5
	8	10	11

(Signed),

James Gaffney, *Tipstaff, Court of Chancery.*

Chancery Fund Stamps. — Return of John S. Gairdner, esq., Comptroller of Stamp Duties.

IV.—Returns as to Chancery Fund Stamp Duties, Compensation and Fee Fund, and Suitors' Fee Fund of the Court of Chancery in Ireland.

IV.—1. Return, as to Chancery Fund Stamps in Ireland, revised under Stat. 4 Geo. IV., c. 78, from John S. Gairdner, Esq., Comptroller of Stamp Duties, Dublin.

Inland Revenue—Stamps,
Dublin, 13th June, 1862.

Sir,—Pursuant to the request of Her Majesty's Commissioners for inquiring into the Superior Courts, which was conveyed to me by your letter of the 2nd instant, I have had a return prepared which shows—1st, the Statute imposing Chancery Fund Duties, the Schedule to which specifies the Stamps levied.

2nd and 3rd,—The total gross amount received for Chancery Fund Stamps in Ireland in the years 1859, 1860, and 1861, respectively, and of the deductions from the gross receipts.

The fourth head on which information was requested being, "The amount produced by each distinct kind of Stamp in the year 1861," I have not the means of affording.

I have the honour to be, Sir, your obedient servant,

(Signed), JOHN S. GAIRDNER,

Comptroller of Stamp Duties.

W. Neilson Hancock, Esq.,
Law and Chancery Commission Office, Four Courts.

CHANCERY FUND DUTIES LEVIED IN IRELAND UNDER ACT 4 Geo. IV., c. 78.

A Return showing the Gross Amount of Chancery Fee Fund Duties received, and of Discount allowed in Ireland, in the years ended 31st December, 1859, 1860, and 1861, respectively.

For Year ended	Gross Amount of Duty. £	s.	d.	Discount at 1¼ per Cent. £	s.	d.	Net Amount received. £	s.	d.
31st December, 1859,	8,721	1	4¾	111	3	0	8,609	18	4¾
,, 1860,	7,724	8	0¼	98	9	11	7,625	18	1¼
,, 1861,	7,005	1	10	88	19	9	6,916	2	1

The above allowance of Discount is confined to payments made in the Dublin Office on sums of £30 and upwards.

Poundage is allowed to Distributors in common on all their Sales, but in no year exceeds £10 on the collection of Chancery Fund Duties in Ireland.

The foregoing are the only deductions made from the gross receipts.

(Signed), JOHN S. GAIRDNER,

Comptroller of Stamp Duties (Ireland).

Inland Revenue, Stamps,
Dublin, 13th June, 1862.

COURT OF CHANCERY, IRELAND.

IV.—2. RETURN from DIGBY P. STARKEY, Esq., Accountant-General of the Court of Chancery in and transferred to the Account of the Compensation and Fee Fund of the Suitors of the Court of (2.) The Amount of Stock from time to time Sold out of said Account, with Cash produced by

COURT OF CHANCERY, IRELAND.

Compensation and Fee Fund; transfer of Stock.

Return of Digby P. Starkey, esq., Accountant-General.

Dr. AN ACCOUNT OF THE COMPENSATION AND FEE FUND OF THE

Compensation and Fee Fund; transfer of Stock.

Return of Digby P. Starkey, esq., Accountant-General.

1835.		£	s.	d.	£	s.	d.
Feb. 16,	To Cash, paid William Bruce Drummond, for £3,968 5*s.* 2*d.* Government New 3½ per Cent. Stock, order 24th January, 1835,	4,000	0	0			
„ 17,	To Cash, paid the same, for £11,386 10*s.* 8*d.* Government New 3½ per Cent. Stock, pursuant to said order,	11,500	0	0			
„ 18,	To Cash, paid the same, for £19,789 17*s.* 10*d.* Government New 3½ per Cent. Stock, pursuant to said order,	20,000	0	0			
„ 20,	To Cash, paid the same, for £19,797 0*s.* 2*d.* Government New 3½ per Cent. Stock, pursuant to said order,	20,000	0	0			
„ 21,	To Cash, paid the same, for £29,500 Government New 3½ per Cent. Stock, pursuant to said order,	29,829	1	9			
„ 23,	To Cash, paid the same, for £14,553 17*s.* 7*d.* Government New 3½ per Cent. Stock, pursuant to said order,	14,670	18	3			
„ „	To Cash, paid the same, for £4,978 3*s.* 2*d.* Government New 3½ per Cent. Stock, pursuant to said order,	5,000	0	0			
„ 25,	To Cash, paid the same, for £4,990 1*s.* 10*d.* Government New 3½ per Cent. Stock, pursuant to said order,	5,000	0	0			
„ „	To Cash, paid the same, for £9,969 6*s.* 4*d.* Government New 3½ per Cent. Stock, pursuant to said order,	10,000	0	0			
„ 27,	To Cash, paid the same, for £9,990 14*s.* 11*d.* Government New 3½ per Cent. Stock, pursuant to said order,	10,000	0	0			
„ 28,	To Cash, paid the same, for £4,972 4*s.* 9*d.* Government New 3½ per Cent. Stock, pursuant to said order,	5,000	0	0			
March 2,	To Cash, paid the same, for £19,851 17*s.* 0*d.* Government New 3½ per Cent. Stock, pursuant to said order,	20,000	0	0			
„ 3,	To Cash, paid the same, for £4,974 16*s.* Government New 3½ per Cent. Stock, pursuant to said order,	5,000	0	0			
„ 5,	To Cash, paid the same, for £9,942 10*s.* Government New 3½ per Cent. Stock, pursuant to said order,	10,000	0	0			
„ „	To Cash, paid the same, for £3,974 3*s.* 4*d.* Government New 3½ per Cent. Stock, pursuant to said order,	4,000	0	0			
„ 6,	To Cash, paid the same, for £5,949 11*s.* 3*d.* Government New 3½ per Cent. Stock, pursuant to said order,	6,000	0	0			
„ 7,	To Cash, paid the same, for £4,953 10*s.* 4*d.* Government New 3½ per Cent. Stock, pursuant to said order,	5,000	0	0			
„ 10,	To Cash, paid the same, for £11,895 14*s.* 10*d.* Government New 3½ per Cent. Stock, pursuant to said order,	12,000	0	0			
„ 13,	To Cash, paid William Henry Crawford, pursuant to order of 24th January, 1835,	10	8	7			
April 24,	To Cash, paid William Bruce Drummond, for £2,811 3*s.* 9*d.* Government New 3½ per Cent. Stock, pursuant to said order,	2,800	0	0			
June 20,	To Cash, paid Edward Tierney, pursuant to order of 13th May last,	189	11	5			
1836.							
Dec. 23,	To Government New 3½ per Cent. Stock transferred to Messrs. Boyle, Low, Pim, and Company, on their paying into the Bank of Ireland to the General Cash Credit of the Suitors of the Court of Chancery the sum of £15,000, pursuant to order of 21st December, 1836,	—			15,480	6	10
1837.							
Aug. 25,	To Cash, paid William Bruce Drummond, for £14,851 14*s.* 7*d.* Government New 3½ per Cent. Stock, order 16th August, 1837,	15,000	0	0			
1847.							
July 31,	To Government 3¼ per Cent. Stock transferred to Messrs. Boyle, Low, Pim, and Company, on their paying into the Bank of Ireland to the General Cash Credit of the Suitors of the Court of Chancery the sum of £20,000, sterling, pursuant to order of 29th July, 1847,	—			22,062	16	6
Aug. 23,	To Government 3¼ per Cent. Stock transferred to Messrs. Boyle, Low, Pim, and Company, on their paying into the Bank of Ireland to the General Cash Credit of the Suitors of the Court of Chancery the sum of £10,000, sterling, pursuant to order of 29th July, 1847,	—			11,228	0	6

6th June, 1862.

I certify that the foregoing is a true copy of the Account in this Matter, as the same stands in the books credit of said Matter the following sum, Government New 3 per Cent. Stock, £163,329 19*s.* 8*d.*

COURT OF CHANCERY, IRELAND. Ireland, showing—(1.) The Amounts of Cash from time to time invested in the purchase of Stock, Chancery in Ireland, with the Amounts of Stock so transferred and dates of several transfers; and— each Sale, and date of Sales. COURT OF CHANCERY, IRELAND.

Compensation and Fee Fund; transfer of Stock

Return of Digby P. Starkey, esq., Accountant-General.

SUITORS OF THE COURT OF CHANCERY IN IRELAND.

		£	s.	d.	Cr. £	s.	d.
1835.							
Feb. 12,	By Cash, transferred from the general cash standing in the name of the Accountant-General of the Court of Chancery, and belonging to the Suitors in said Court, pursuant to order of 24th January, 1835, . .	200,000	0	0			
„ 16,	By Government New 3½ per Cent. Stock, purchased pursuant to said order, ...	—			3,968	5	2
„ 17,	By Government New 3½ per Cent. Stock, purchased pursuant to said order, ...	—			11,386	10	8
„ 18,	By Government New 3½ per Cent. Stock, purchased pursuant to said order, ...	—			19,789	17	10
„ 20,	By Government New 3½ per Cent. Stock, purchased pursuant to said order, ...	—			19,797	0	2
„ 21,	By Government New 3½ per Cent. Stock, purchased pursuant to said order, ...	—			29,500	0	0
„ 23,	By Government New 3½ per Cent. Stock, purchased pursuant to said order, ...	—			14,553	17	7
„ „	By Government New 3½ per Cent. Stock, purchased pursuant to said order, ...	—			4,978	3	2
„ 25,	By Government New 3½ per Cent. Stock, purchased pursuant to said order, ...	—			4,990	1	10
„ „	By Government New 3½ per Cent. Stock, purchased pursuant to said order, ...	—			9,969	6	4
„ 27,	By Government New 3½ per Cent. Stock, purchased pursuant to said order, ...	—			9,990	14	11
„ 28,	By Government New 3½ per Cent. Stock, purchased pursuant to said order, ...	—			4,972	4	9
March 2,	By Government New 3½ per Cent. Stock, purchased pursuant to said order, ...	—			19,851	17	0
„ 3,	By Government New 3½ per Cent. Stock, purchased pursuant to said order, ...	—			4,974	16	0
„ 5,	By Government New 3½ per Cent. Stock, purchased pursuant to said order, ...	—			9,942	10	0
„ „	By Government New 3½ per Cent. Stock, purchased pursuant to said order, ...	—			3,974	3	4
„ 6,	By Government New 3½ per Cent. Stock, purchased pursuant to said order, ...	—			5,949	11	3
„ 7,	By Government New 3½ per Cent. Stock, purchased pursuant to said order, ...	—			4,953	10	4
„ 10,	By Government New 3½ per Cent. Stock, purchased pursuant to said order, ...	—			11,895	14	10
„ 24,	By Government New 3½ per Cent. Stock, purchased pursuant to said order, ...	—			2,811	3	9
1837.							
Aug. 21,	By Cash, brought from the general cash standing in the name of the Accountant-General of the Court of Chancery, and belonging to the Suitors in said Court, pursuant to order of 16th August, 1837, . .	15,000	0	0	—		
„ 25,	By Government New 3½ per Cent. Stock purchased,—order 16th August, 1837, ...	—			14,851	14	7
1844.							
Oct. 11,	By Government New 3½ per Cent. Stock converted into 3¼ per Cent. .	—			197,620	16	8

kept in my office for the Suitors of the Court of Chancery, and that there is now in the Bank of Ireland to the

(Signed), DIGBY P. STARKEY,

Accountant-General.

Court of Chancery, Ireland. — Account of Interest and Produce of Compensation and Fee Fund for 1861. — Return of Digby P. Starkey, esq., Accountant-General.

IV.—3. Return of Digby P. Starkey, Esq., Accountant-General of the Court of Chancery in Ireland, showing the Account of the Interest and Produce of the Compensation and Fee Fund of the Suitors of the Court of Chancery in Ireland, for the year ending 29th September, 1861; showing the Income and actual Payments in detail, with the authority for each Payment, whether by Statute Warrant, or Order, and if either of the latter, with date of the same.

An Account of the Interest and Produce of the Compensation and Fee Fund of the Suitors of the Court of Chancery in Ireland.

Dr. — To Cash paid—

1860.		£	s.	d.
Oct. 20,	The Earl of Clare, pursuant to order of 31st October, 1851, .	677	10	10
„ „	Thomas Laurence Behan, pursuant to order of 24th February, 1838, ...	45	5	7
„ „	John Brenan, pursuant to order of 4th June, 1840, . . .	171	11	6
„ „	Yelverton Dawson, pursuant to said order, ...	366	16	1
„ „	George Hudson, pursuant to said order, ...	321	4	0
1861.				
Jan. 20,	John Brenan, pursuant to order of 4th June, 1840, . . .	171	11	6
„ „	The Earl of Clare, pursuant to order of 31st October, 1851, .	677	10	10
April 20,	John Brenan, pursuant to order of 4th June, 1840, . . .	171	11	6
„ „	Yelverton Dawson, pursuant to order of 4th June, 1840, . .	366	16	1
„ „	The Earl of Clare, order 31st October, 1851, ...	677	10	10
„ „	George Hudson, pursuant to order of 4th June, 1840, . . .	319	11	4
„ „	Thomas L. Behan, pursuant to order 24th February, 1838, .	45	5	7
July 20,	The Earl of Clare, pursuant to order of 31st October, 1851, .	680	9	9
„ „	Thomas L. Behan, order 24th February, 1838, . . .	45	9	7

Cr.

1860.		£	s.	d.
Sept. 29,	By balance in Bank this day, .	76	10	7
Oct. 10,	By Oct. Interest on £163,329 19*s.* 8*d.* Government New 3 per Cent. Stock, standing to the credit of "An Account of the Compensation and Fee Fund of the Suitors of the Court of Chancery in Ireland,"	2,362	4	10
1861.				
April 8,	By April, Do. Do.	2,362	4	10

29th September, 1861.

I certify that the foregoing is a true copy of the account in this matter, from the 29th September, 1860, to 29th September, 1861, as the same stands in the books kept in my office for the Suitors of the Court of Chancery, and that there is now in the Bank of Ireland to the credit of said matter £62 15*s.* 3*d.*

(Signed), DIGBY P. STARKEY,
Accountant-General.

Charges on Interest and Produce of Compensation and Fee Fund paid out of Suitors' Fee Fund. — Return of Digby P. Starkey, esq., Accountant-General.

IV.—4. Return of Digby P. Starkey, Esq., Accountant-General of the Court of Chancery in Ireland, showing the Amounts chargeable on the Interest and Produce of the Chancery Compensation and Fee Fund for 1861, but actually paid out of the Suitors' Fee Fund in consequence of the Compensation and Fee Fund being inadequate.

Names of Parties entitled to Annuities, Salaries, &c., out of "An Account of the Interest and Produce of the Compensation and Fee Fund of the Suitors of the Court of Chancery in Ireland."

	£	s.	d.
The Right Honorable the Earl of Clare, (Chancery), ...	2,828	0	0

	£	s.	d.
By April Dividend on £164,329 19*s.* 8*d.* Government New 3 per Cent. Stock, standing to the credit of the Compensation and Fee Fund Account, ...	2,372	10	3
By October Dividend, Do. Do.	2,372	10	3

Names of Parties entitled to Annuities, Salaries, &c., out of "An Account of the Interest and Produce of the Compensation and Fee Fund of the Suitors of the Court of Chancery in Ireland;" and in case of a deficiency therein, then out of "The Suitors' Fee Fund Account."

	£	s.	d.
Thomas L. Behan, Esq. (Chancery), . .	189	0	0
John Brenan, Esq., „ . .	711	0	0
Yelverton Dawson, Esq., „ . .	1,523	6	4
Henry Darley, Esq., „ . .	1,957	0	0
George Hudson, Esq., „ . .	1,333	0	0
Wm. Tighe Hamilton (late Equity Exchequer),	1,000	0	0
William Crozier, „ .	868	9	2
Honorable R. O'Grady, „ .	868	9	2
Thomas Steele, „ .	750	0	0
Wallace Theo. Ferguson (late Equity Exchequer), .	200	0	0
Thomas Smyth, „ .	60	0	0
James M'Keon, „ .	150	0	0
John Hanratty, „ .	84	0	0
William Kennefeck, „ .	110	0	0
Daniel Delany, „ .	75	0	0
	9,879	4	8

(Signed), DIGBY P. STARKEY,
Accountant-General.

COURT OF CHANCERY, IRELAND.

IV.—5. RETURN of DIGBY P. STARKEY, Esq., Accountant-General of the Court of Chancery in Ireland, showing the Account of the Compensation and Fee Fund of the Court of Exchequer in Ireland, for the Year ending 29th September, 1861.

COURT OF CHANCERY, IRELAND.

Compensation and Fee Fund of Suitors of Court of Exchequer, 1861.

Return of Digby P. Starkey, esq., Accountant-General.

ACCOUNT of the COMPENSATION and FEE FUND of the SUITORS of the COURT of EXCHEQUER in IRELAND.

Dr.

		£	s.	d.
1843.				
Nov. 23,	To Cash for my Draft to H. Bruce, on his transferring to the credit of this matter £4,881 6s. Government New 3½ per Cent. Stock, order 4th instant, . . .	5,000	0	0
„ „	To Cash for my Draft to same, on his transferring £4,880 16s. 9d. Government New 3½ per Cent. Stock, said order, . . .	5,000	0	0
Dec. 4,	To Cash for my Draft to same, on his transferring £4,876 5s. 3d. Government New 3½ per Cent. Stock, said order, . . .	5,000	0	0
„ 13,	To Cash for my Draft to same, on his transferring £4,874 12s. Government New 3½ per Cent. Stock, said order, ...	5,000	0	0
„ 19,	To Cash for my Draft to same, on his transferring £4,872 7s. 2d. Government New 3½ per Cent. Stock, said order, . . .	5,000	0	0
„ 23,	To Cash for my Draft to same, on his transferring £4,866 14s. 5d. Government New 3½ per Cent. Stock, said order, . . .	5,000	0	0
1844.				
Aug. 16,	To Government New 3½ per Cent. Stock for my Draft to H. Bruce, on his transferring or paying to the general cash account £2,000, per order of 14th instant, . .	1,940	6	2

Cr.

		£	s.	d.
1843.				
Nov. 13,	By Cash from the general Cash balance transferred to the credit of this account pursuant to order of 4th instant, ...	30,000	0	0
„ 23,	By Government New 3½ per Cent. Stock transferred by H. Bruce, per order of 4th instant, . .	4,881	6	0
„ „	By Government New 3½ per Cent. Stock transferred by H. Bruce, per order of 4th instant, . .	4,880	16	9
Dec. 4,	By Government New 3½ per Cent. Stock transferred by H. Bruce, per order of 4th instant, . .	4,876	5	3
„ 13,	By Government New 3½ per Cent. Stock transferred by H. Bruce, per order of 4th instant, . .	4,874	12	0
„ 19,	By Government New 3½ per Cent. Stock transferred by H. Bruce, per order of 4th instant, . .	4,872	7	2
„ 23,	By Government New 3½ per Cent. Stock transferred by H. Bruce, per order of 4th instant, . .	4,866	14	5
Oct. 28,	By Government 3¼ per Cent. Stock in lieu of 3½, ...	27,311	15	5

7th June, 1862.

I certify that the foregoing is a true copy of the Account in this Matter, as the same stands in the books kept in my office for the Suitors of the Court of Chancery, and that there is now in the Bank of Ireland to the Credit of said Matter the following sum:—Government New 3 per Cent. Stock, £27,311 15*s.* 5*d.*

(Signed), DIGBY P. STARKEY,
Accountant General.

Interest and Produce of Compensation and Fee Fund of Suitors of Court of Exchequer.

IV.—6. RETURN of DIGBY P. STARKEY, Esq., Accountant-General of the Court of Chancery in Ireland, showing the Account of the Interest and Produce of the Compensation and Fee Fund of the Court of Exchequer in Ireland; showing the Income and actual Payments in detail, with the authority for each Payment, whether by Statute, Warrant, or Order, and, if either of the latter, with date of the same.

Interest and Produce of Compensation and Fee Fund of Suitors of Court of Exchequer.

Return of Digby P. Starkey, esq., Accountant-General.

An ACCOUNT of the INTEREST and PRODUCE of the COMPENSATION and FEE FUND of the SUITORS of the COURT of EXCHEQUER in IRELAND.

Dr.

		£	s.	d.
1844.				
Sept. 30,	To Cash for my Draft to Andrew C. O'Dwyer, Order, 28th inst.,	168	19	4
Oct. 26,	To do. do., Order, 24th inst.,	162	15	2
Nov. 23,	To do. do., Order, 22nd inst.,	400	9	8
Dec. 30,	To do. do., Order, 24th inst.,	250	0	0
1846.				
Jan. 8,	To Cash for my Draft to William Woodlock, Order, 7th Jan., 1846,	411	3	10
„	To do. to George J Baldwin, Order, 7th inst.,	484	1	11
1847.				
Jan. 28,	To do. to William Woodlock, Order, 27th inst.,	480	15	10
„	To do. to George J. Baldwin, Order, 27th inst.,	406	16	10
1848.				
Feb. 7,	To do. to Gerald Tench, Order, this date,	887	12	8
Dec. 1,	To do. to Gerald Tench, Order, 30th ult.,	887	12	8

Cr.

		£	s.	d.
1844.				
April 15,	By April interest on £27,311 15s. 5*d.*, Government 3¼ per cent. Stock, standing to the credit of the Compensation and Fee Fund of the Suitors of the Court of Exchequer in Ireland, ...	511	18	2
Oct. 28,	By October interest do., . .	477	19	1
1845.				
April 12,	By April do., do., . .	443	16	4
Oct. 28,	By October do., do., . .	443	16	4
1846.				
April 15,	By April do., do., . .	443	16	4
Oct. 28,	By October do., do., . .	443	16	4
1847.				
April 8,	By April do., do., . .	443	16	4
Oct. 28,	By October do., do., . .	443	16	4
1848.				
April 15,	By April do., do., . .	443	16	4
Oct. 28,	By October do., do., . .	443	16	4

COURT OF CHANCERY, IRELAND.

Interest and Produce of Compensation and Fee Fund of Suitors of Court of Exchequer.

Return of Digby P. Starkey, esq., Accountant-General.

An ACCOUNT of the INTEREST and PRODUCE of the COMPENSATION and FEE FUND of the SUITORS of the COURT of EXCHEQUER in IRELAND—*continued.*

Dr.

		£	s.	d.
1849. Dec. 7,	To Cash for my Draft to Gerald Tench, . Order, 4th inst.,	887	12	8
1850. Dec. 14,	To Cash paid Gerald Tench, Order, 13th Dec., 1850,	887	12	8
1860. May 17,	To Cash paid Charles Grey, Esq., Paymaster of Civil Services, Ireland, pursuant to Order of 17th May, 1860, directing same to be carried to the credit of the Consolidated Fund, . . .	7,800	7	2

Cr.

		£	s.	d.
1849. April 15,	By April interest on £27,311 15s. 5d., Government 3¼ per Cent Stock, standing to the credit of the Compensation and Fee Fund of the Suitors of the Court of Exchequer in Ireland, ...	443	16	4
Oct. 28, 1850.	By October interest do., .	443	16	4
April 15,	By April do., do., .	443	16	4
Oct. 28, 1851.	By October do., do., .	443	16	4
	Received—			
April 8,	April interest, 1851, . .	443	16	4
Oct. 13, 1852.	October do., 1851, . .	443	16	4
April 8,	April do., 1852, . .	443	16	4
Oct. 13, 1853.	October do., 1852, . .	443	16	4
April 8,	April do., 1853, . .	443	16	4
Oct. 10, 1854.	October do., 1853, . .	430	17	5
April 8,	April do., 1854, . .	430	17	5
Oct. 10, 1855.	October do., 1854, . .	417	18	7
April 10,	April do., 1855, . .	385	15	6
Oct. 10, 1856.	October do., 1855, . .	382	7	3
April 8,	April do., 1856, . .	382	7	3
Oct. 10, 1857.	October do., 1856, . .	382	7	3
April 8,	April do., 1857, . .	382	7	4
Oct. 10, 1858.	October do., 1857, . .	397	14	7
April 8,	April do., 1858, . .	397	14	7
Oct. 11, 1859.	October do., 1858, . .	401	2	11
April 8,	April do., 1859, . .	401	2	11
Oct. 10, 1860.	October do., 1859, . .	387	9	8
April 5,	April do., 1860, . .	401	2	10
Oct. 10, 1861.	October do., 1860, . .	392	12	1
April 8,	April do., 1861, . .	392	12	1
Oct. 10, 1862.	October do., 1861, . .	394	6	3
April 8,	April do., 1862, . .	394	6	3

COURT OF CHANCERY, IRELAND.

Interest and Produce of Compensation and Fee Fund of Suitors of Court of Exchequer.

Return of Digby P. Starkey, esq., Accountant-General.

7th June, 1862.

I certify that the foregoing is a true copy of the Account in this Matter, as the same stands in the Books kept in my Office for the Suitors of the Court of Chancery, and that there is now in the Bank of Ireland, to the credit of said matter, the following sum, cash, 1,573 16*s.* 8*d.*

(Signed), DIGBY P. STARKEY, *Accountant-General.*

Cash Balances.

Return of Digby P. Starkey, esq., Accountant-General.

IV.—7. RETURN of DIGBY P. STARKEY, Esq., Accountant-General of Court of Chancery in Ireland, showing the Amount of Cash standing to the credit of the Accountant-General at the period of each Annual Balance for the last ten years.

Cash Balances.

Return of Digby P. Starkey, esq., Accountant-General.

Accountant-General's Office, Court of Chancery.

CASH BALANCES for ten years ending 29th September, 1861.

	£	s.	d.		£	s.	d.
29th September, 1852, .	43,700	16	11	29th September, 1857, .	12,281	15	9½
„ 1853, .	65,877	15	5½	„ 1858, .	45,117	18	8½
„ 1854, .	70,573	5	11	„ 1859, .	48,362	17	5½
„ 1855, .	79,242	12	2	„ 1860, .	53,272	10	9
„ 1856, .	45,640	11	6	„ 1861, .	20,643	16	7

(Signed), DIGBY P. STARKEY,

Accountant-General.

Court of Chancery, Ireland.

IV.—8. Return of Digby P. Starkey, Esq., Accountant-General of the Court of Chancery in Ireland, showing the Sums taken from time to time out of unemployed Cash of Suitors for Building Four Courts and other purposes, under 30 Geo. III., c. 41 (Ir.), 34 Geo. III., c. 6 (Ir.), 2 & 3 Wm. IV., c. 32, or 4 & 5 Wm. IV., c. 68, or other similar Statutes.

Court of Chancery, Ireland.

Sums taken out of unemployed Cash for Building Four Courts, &c.

Return of Digby P. Starkey, esq., Accountant-General.

Sums taken from time to time out of the unemployed Cash of Suitors for Building new Four Courts and certain other purposes.

Sums taken out of unemployed Cash for Building Four Courts, &c.

Return of Digby P. Starkey, esq., Accountant-General.

Out of Chancery Fund.

	£	s.	d.
For Master Tunadine's deficiency,	7,075	5	10½
For Building new Four Courts,	27,202	17	2½
Amount paid the Commissioners for extension and promotion of Public Works in Ireland,	49,000	0	0

Out of Exchequer Fund.

For building new Four Courts,	13,781	10	9

N.B.—£35,000 paid into Bank by the Teller of the Exchequer.

(Signed), DIGBY P. STARKEY,
Accountant-General.

Suitors' Fee Fund Account for year ending September, 1861.

IV.—9. Return of Digby P. Starkey, Esq., Accountant-General of the Court of Chancery, Ireland, showing a Copy of the Suitors' Fee Fund Account in detail, as in the Accountant-General's Books, for the year ending 29th September, 1861, with the authority for each payment, whether by Statute, Warrant, or Order, or, if either of the latter, with date of the same:—

Suitors' Fee Fund Account for year ending September, 1861.

Return of Digby P. Starkey, esq., Accountant-General.

Dr.

1860.		To Cash paid—	Payments. £	s.	d.	Date of Order.
Oct.	1,	William P. Smith,	154	0	10	Oct. 2, 1850
,,		James A. Lyle,	153	16	2	Oct. 25, 1850
,,		Wm. Daniel Murphy,	153	6	8	Nov. 5, 1850
,,		Richard W. Litton,	153	6	8	Jan. 7, 1859
,,		John James Stanford,	154	0	11	June 1, 1857
,,		Luke Davis,	47	18	4	Oct. 14, 1850
,,		Richard King,	86	5	0	April 30, 1859
,,		William A. Forde,	86	5	0	Do.
,,		Campbell Moore,	86	5	0	Do.
,,		William O'Callaghan,	86	5	0	Do.
,,		Hugh B. Magahan,	6	6	2	Jan. 7, 1860
,,		James Noonan,	6	10	0	Do.
,,		Digby P. Starkey,	84	15	6	April 30, 1859
,,		James A. Kift,	71	17	6	April 17, 1860
,,		Joseph Weld,	47	18	4	July 8, 1858
,,		William G. Brooke,	47	18	4	June 30, 1857
,,		Edward Baker,	47	18	4	Do.
,,		John B. Rolleston,	34	14	10	April 30, 1859
,,		Albert B. Skyne,	30	6	9	Do.
,,		Richard Bunnion,	26	10	0	April 20, 1860
,,		William Magrath,	25	4	10	Do.
,,		Christopher Magrath,	19	10	0	Do.
,,		Mark Perrin,	239	11	8	Oct. 4, 1859
,,		Charles M. Barry,	75	9	4	April 30, 1859
,,		Charles Hogan,	95	16	8	Nov. 29, 1856
,,		Yelverton O'Keeffe,	239	11	8	Oct. 28, 1858
,,		John Kelly,	84	16	3	March 14, 1853
,,		Barry Collins,	47	18	4	Jan. 14, 1854
,,		Richard Henn,	95	16	8	Nov. 17, 1851
,,		Samuel Barrington,	103	3	10	Feb. 21, 1853
,,		Robert Long,	7	6	3	Jan. 10, 1853
,,		Do.,	241	6	4	Nov. 15, 1858
,,		Venerable James Smith,	35	18	9	July 10, 1858
,,		John Shaw,	2	7	11	March 1, 1855
,,		John Williams,	2	7	11	Do.
,,		Patrick G. O'Connor,	2	7	11	Do.
,,		William Wisdom,	2	7	11	Do.
,,		Thomas Moore,	2	7	11	Do.
,,		James W. G. Rynd,	2	10	0	Do.
,,		Hon. Henry Sugden,	1,300	0	0	Sept. 28, 1860
,,		Thomas Ferguson,	4	15	10	March 1, 1855
,,		William Mathews,	4	15	10	Do.
,,		Paterson Sheridan,	4	15	10	Do.
,,	12,	Wm. Tighe Hamilton,	239	11	8	Dec. 23, 1850
,,		Hon. Richard O'Grady,	208	1	4	Do.
,,		William Crozier,	209	10	1	Do.
,,		Thomas Steele,	179	13	9	Feb. 6, 1851
,,		Wallace T. Ferguson,	47	18	4	Do.
,,		James M'Keon,	35	18	9	Do.
,,		John Hanratty,	20	2	6	Do.
,,		William Crozier, jun.,	21	4	8	Do.
,,		William Kennefeck,	26	14	0	Do.
,,		Daniel Delany,	18	15	0	Do.
,,		Thomas Smyth,	15	0	0	Do.

Cr.

1860.			£	s.	d.
Sept.	29,	By Balance in Bank this day,	8,606	16	9
		By Cash paid into Bank by—			
Nov.	5,	William Daniel Murphy,	39	13	1
,,		James A. Lyle,	1	6	0
,,	6,	Mark Perrin,	206	6	5
,,		Richard W. Litton,	45	15	9
,,		Do.,	17	1	6
,,		Do.,	35	8	9
,,	9,	Maziere John Brady,	304	1	4
,,	20,	Paymaster of Civil Services,	600	0	0
,,	24,	Richard W. Litton,	16	1	0
,,		Deputy Keeper of the Rolls,	205	18	2
Dec.	4,	Mark Perrin,	93	13	5
,,	6,	Maziere John Brady,	150	0	0
,,		James A. Lyle,	7	15	10
,,	8,	William D. Murphy,	51	6	2
,,	13,	Richard W. Litton,	25	9	6
1861.					
Jan.	3,	Paymaster of Civil Services,	7,500	0	0
,,	7,	Mark Perrin,	69	17	8
,,		William Daniel Murphy,	67	2	11
,,	14,	Richard W. Litton,	15	6	8
,,	22,	James A. Lyle,	6	13	1
,,		Deputy Keeper of the Rolls,	72	7	8
Feb.	5,	William D. Murphy,	56	2	8
,,		Mark Perrin,	106	15	1
	8,	James A. Lyle,	11	4	5
,,	18,	Richard W. Litton,	36	4	6
,,	25,	Maziere John Brady,	425	2	0
March	5,	William D. Murphy,	45	3	1
,,	12,	James A. Lyle,	6	11	1
,,	13,	Mark Perrin,	83	16	4
,,	15,	Deputy Keeper of the Rolls,	129	11	3
,,	19,	Richard W. Litton,	23	14	5
,,	26,	Paymaster of Civil Services,	7,000	0	0
April	8,	Mark Perrin,	67	1	10
,,		Digby P. Starkey,	16	6	2
,,		William D. Murphy,	43	9	1
,,	11,	James A. Lyle,	24	15	8
,,	18,	Richard W. Litton,	26	6	9
,,		William Daniel Murphy,	43	5	7
May	4,	James A. Lyle,	7	19	0
,,	6,	Mark Perrin,	100	12	6
,,	13,	Richard W. Litton,	31	15	11
,,	20,	Maziere John Brady,	300	0	0
June	3,	Do.,	241	8	11
,,	4,	William D. Murphy,	46	16	7

COURT OF CHANCERY, IRELAND.

Suitors' Fee Fund Account for year ending September, 1861.

Return of Digby P. Starkey, esq., Account-ant-General.

Dr.

		To Cash paid—	Payments. £	s.	d.	Date of Order.
1860.						
Oct.	15,	Alexander D. Eiffe,	18	15	0	Nov. 9, 1859
,,	20,	Thomas Ferguson,	8	10	5	Sept. 22, 1851, & Dec. 2, 1837
,,		Campbell Moore,	12	14	4	Do.
,,		Peter Skyne,	12	17	7	Do.
,,		Frederick Flood,	1	17	7	Do.
,,		Thomas H. Mulholland,	1	18	2	Do.
,,		Joseph Scott Moore,	6	13	6	Do. and Nov. 21, 1855
,,		Richard Bayly,	9	18	1	Do.
,,		Henry Ferguson,	6	12	0	Do.
,,		Timothy Lyons,	35	18	9	Do.
,,		Patrick Ward,	14	17	9	Do.
,,		Frederick L. Flood,	1	19	3	Do.
,,		John Shortt,	2	5	10	Do.
,,		John Lyons,	16	2	11	Do.
,,		William Dennehy,	4	4	3	Do.
,,		John Shortt,	2	5	10	Do.
,,		Michael Reddin,	5	1	1	Do
,,		Frederick Sutton,	1	5	7	Do.
,,		James J. O'Reilly,	8	15	11	Do.
,,		Thomas Ferguson,	6	4	3	Do.
,,		Charles Hogan,	308	17	0	June 4, 1840, & March 28, 1857
,,		Henry Darley,	471	14	1	June 4, 1840, & Feb. 9, 1849
,,		Robert Corbet,	62	15	0	Do.
,,		Edward Moore,	52	2	11	June 4, 1840, & Feb. 9, 1849
,,		William Shortt,	53	18	5	Dec. 2, 1837, &
,,		Peter Bayly,	25	4	5	Sept. 22, 1851
,,		Thomas R. Burrowes,	17	2	4	April 26, 1852
,,		William Maddock,	20	6	10	Do.
,,		Ralph S. Cusack,	285	13	5	Oct. 23, 1860
,,		Campbell Moore,	8	9	6	Dec. 2, 1837, & Sept. 22, 1851
Nov.	2,	James A. Lyle,	71	5	4	Nov. 6, 1860
,,	8,	Frederick Sutton,	2	11	2	Dec. 2, 1837, & Sept. 22, 1851
,,	14,	Wm. Francis Hynes,	120	1	11	Nov. 13, 1860
,,		Francis John Nash,	34	19	0	Aug. 11, 1851
,,		Thomas M'Conry,	16	10	0	Do.
,,		James Croghan,	15	0	0	Do.
,,		Thadeus Farrell,	14	7	6	Do.
,,		Sylvester M'Conry,	15	0	0	Do.
,,		Thomas O'Connor,	15	0	0	Do.
,,		James Kerin,	28	15	0	Do.
,,		William Supple,	1	0	0	April 26, 1852
,,		Richard Lambert,	1	0	0	Do.
,,		John H. Walsh,	38	7	0	June 29, 1852
,,		Henry M. Quinan,	164	13	6	May 7, 1852
,,		William Porter,	10	8	3	Nov. 13, 1860
,,	19,	Yelverton Dawson,	600	0	0	Nov. 19, 1860
,,	20,	Richard W. Litton,	100	0	0	Nov. 14, 1860
,,	23,	John O'Connor,	29	14	2	May 22, 1852
,,		William Peters Smith,	70	6	8	Nov. 22, 1860
,,		The Hon. Henry Sugden,	116	6	9	Nov. 19, 1860
Dec.	13,	William D. Murphy,	100	0	0	Dec. 12, 1860
,,	17,	The Income Tax Account,	234	16	6	March 13, 1854
1861.						
Jan.	3,	Richard King,	86	5	0	April 30, 1859
,,		William A. Forde,	86	5	0	Do.
,,		Campbell Moore,	86	5	0	Do.
,,		William O'Callaghan,	86	5	0	Do.
,,		Hon. Henry Sugden,	314	0	0	
,,		Thomas Ferguson,	4	15	10	March 1, 1855
,,		William Mathews,	4	15	10	Do.
,,		Paterson Sheridan,	4	15	10	Do.
,,		John Shaw,	2	7	11	Do.
,,		John Williams,	2	7	11	Do.
,,		Patrick G. O'Connor,	2	7	11	Do.
,,		William Wisdom,	2	7	11	Do.
,,		Thomas Moore,	2	7	11	Do.
,,		James W. G. Rynd,	2	10	0	Do.
,,		Charles Hogan,	95	16	8	Nov. 29, 1856
,,		William G. Brooke,	57	10	0	June 30, 1857
,,		Edward Baker,	57	10	0	Do.
,,		Joseph Weld,	57	10	0	July 8, 1858
,,		John B. Rolleston,	34	14	10	April 30, 1859
,,		Albert B. Skyne,	30	6	9	Do.
,,		Digby P. Starkey,	86	2	8	Do.
,,		Mark Perrin,	239	11	8	Oct. 4, 1859
,,		Richard W. Litton,	153	6	8	Jan. 7, 1859
,,		William D. Murphy,	153	6	8	Nov. 5, 1850
,,		William P. Smith,	154	0	10	Oct. 2, 1850
,,		John J. Stanford,	154	0	11	June 1, 1857
,,		James A. Lyle,	153	16	2	Oct. 25, 1850

Cr.

1861.			£	s.	d.
June	4,	Mark Perrin,	115	19	3
,,	7,	James A. Lyle,	19	5	0
,,	18,	Richard W. Litton,	37	8	9
,,	19,	Maziere John Brady,	200	0	0
,,	24,	Paymaster-General,	7,000	0	0
,,	27,	Deputy Keeper of the Rolls,	136	2	0
July	4,	William D. Murphy,	65	1	6
,,		Mark Perrin,	94	6	6
,,	11,	Richard W. Litton,	33	16	5
,,	29,	James A. Lyle,	10	3	7
Aug.	5,	William D. Murphy,	45	1	11
,,	7,	Richard W. Litton,	37	0	5
,,	14,	Mark Perrin,	85	13	4
Sept.	6,	James A. Lyle,	2	12	2
,,	28,	Paymaster-General,	7,800	0	0

COURT OF CHANCERY, IRELAND.

Suitors' Fee Fund Account for year ending September, 1861.

Return of Digby P. Starkey, esq., Account-ant-General.

COURT OF CHANCERY, IRELAND.

Suitors' Fee Fund Account for year ending September, 1861.

Return of Digby P. Starkey, esq., Account-ant-General.

Dr.

1861.	To Cash paid—	Payments. £	s.	d.	Date of Order.
Jan. 3,	James A. Kift,	71	17	6	April 17, 1860
,,	Charles M. Barry,	75	9	4	April 30, 1859
,,	Samuel Barrington,	103	3	10	Feb. 21, 1853
,,	Robert Long,	241	6	4	Nov. 15, 1858
,,	Do.,	7	6	3	Jan. 10, 1853
,,	Luke Davis,	47	18	4	Oct. 14, 1850
,,	Venerable James Smith,	35	18	9	July 10, 1858
,,	Barry Collins,	47	18	4	Jan. 14, 1854
,,	Richard Henn,	95	16	8	Nov. 17, 1851
,,	John Kelly,	84	16	3	March 14,1853
,,	Hugh B. Magahan,	6	6	2	Jan. 7, 1860
,,	James Noonan,	6	10	0	Do.
,,	William F. Hynes,	24	18	4	Nov. 13, 1860
,,	Yelverton O'Keeffe,	239	11	8	Oct. 28, 1858
,,	Richard Bunnion,	26	10	0	April 20, 1860
,,	William Magrath,	25	4	10	Do.
,,	Christopher Magrath,	19	10	0	Do.
,, 5,	Wm. Tighe Hamilton,	239	11	8	Dec. 23, 1850
,,	Hon. Richard O'Grady,	208	1	4	Do.
,,	William Crozier,	209	10	1	Do.
,,	Thomas Steele,	179	13	9	Feb. 6, 1851
,,	Wallace T. Ferguson,	47	18	4	Do.
,,	James M'Keon,	35	18	9	Do.
	John Hanratty,	20	2	6	Do.
,,	William Crozier, jun.,	21	4	8	Do.
,,	William Kennefeck,	26	14	0	Do.
,,	Daniel Delany,	18	15	0	Feb. 6, 1851
,, 10,	Alexander D. Eiffe,	18	15	0	Nov. 9, 1859
,, 16,	Acheson Lyle,	416	3	2	Oct. 22, 1860
,,	Thomas Smyth,	15	0	0	Feb. 6, 1851
,, 20,	Yelverton Dawson,	300	0	0	Jan. 11, 1861
,,	Do.,	366	16	1	June 4, 1840
,,	George Hudson,	321	4	0	Do.
,,	Henry Darley,	471	14	1	Do.
,,	Edward Moore,	52	2	11	Dec. 2, 1837, & Sept. 22, 1851
,,	William Shortt,	54	5	6	Do.
,,	Peter Bayly,	25	4	5	Do.
,,	Thomas Ferguson,	8	10	5	Do.
,,	Campbell Moore,	12	14	4	Do.
,,	Peter Skyne,	12	17	7	Do.
,,	Frederick Flood,	1	17	7	Do.
,,	Thos. H. Mulholland,	1	18	2	Do.
,,	Joseph Scott Moore,	6	13	6	Do. and Nov. 21, 1855
,,	Richard Bayly,	9	18	1	Do.
,,	Henry Ferguson,	6	12	0	Do.
,,	Timothy Lyons,	35	18	9	Do.
,,	Patrick Ward,	14	17	9	Do.
,,	Frederick L. Flood,	1	19	3	Do.
,,	John Shortt,	2	5	10	Do.
,,	John Lyons,	16	2	11	Do.
,,	William Dennehy,	4	4	3	Do.
,,	Francis O'Beirne,	11	3	8	Do.
,,	John Shortt,	2	5	10	Do.
,,	Michael Reddin,	5	1	1	Do.
,,	Frederick Sutton,	1	5	7	Do.
,,	William Peters Smith,	25	0	0	Jan. 17, 1861
,, 21,	James J. O'Reilly,	8	15	11	Dec. 2, 1837, & Sept. 22, 1851
,,	Thomas Ferguson,	6	4	3	Do.
,,	Charles Hogan,	308	17	0	March 28, 1857
,,	Thomas L. Beahan,	45	5	7	Feb. 24, 1838
,,	Thomas R. Burrowes,	17	2	4	April 26, 1852
,,	William Maddock,	20	6	10	Do.
,,	Robert Corbet,	62	15	0	Feb. 9, 1849
,, 22,	Digby P. Starkey,	44	9	5	Jan. 21, 1861
,,	Ralph S. Cusack,	414	10	9	Jan. 22, 1861
Feb. 6,	Hon. Henry Sugden,	574	10	2	Jan. 4, 1861
,, 14,	Richard Lambert,	1	0	0	April 26, 1852
,,	William Supple,	1	0	0	Do.
,,	Francis John Nash,	34	19	0	Aug. 11, 1851
,,	Thomas M'Conry,	16	10	0	Do.
,,	James Croghan,	15	0	0	Do.
,,	Thadeus Farrell,	14	7	6	Do.
,,	Sylvester M'Conry,	15	0	0	Do.
,,	Thomas O'Connor,	15	0	0	Do.
,,	James Kerin,	14	7	6	Do.
,,	John H. Walsh,	38	7	0	June 29, 1852
,,	Charles M. Barry,	20	11	4	Feb. 14, 1861
,,	Henry M. Quinan,	151	13	5	May 7, 1852
,, 20,	John O'Connor,	29	14	2	May 22, 1852
,,	The Income Tax Account	263	0	0	March 18, 1854
March 9,	Charles M. Barry,	25	3	2	April 30, 1859
April 3,	John Williams,	2	7	11	March 1, 1855
,,	Patrick G. O'Connor,	2	7	11	Do.
,,	Thomas Moore,	2	7	11	Do.
,,	James W. G. Rynd,	2	10	0	Do.

Cr.

COURT OF CHANCERY, IRELAND.

Suitors' Fee Fund Account for year ending September, 1861.

Return of Digby P. Starkey, esq., Account-ant-General.

COURT OF CHANCERY, IRELAND.

Suitors' Fee Fund Account for year ending September, 1861.

Return of Digby P. Starkey, esq., Account-ant-General.

Dr.

1861.	To Cash paid—	Payments. £	s.	d.	Date of Order.
April 3,	William Magrath,	26	10	0	April 20, 1860
,,	Christopher Magrath,	26	0	0	Do.
,,	Charles Hogan,	95	16	8	Nov. 29, 1856
,,	Richard Henn,	95	16	8	Nov. 17, 1851
,,	John Kelly,	84	16	3	March 14, 1853
,,	Barry Collins,	47	18	4	Jan. 14, 1854
,,	Venerable James Smith,	35	18	9	July 10, 1858
,,	Acheson Lyle,	479	3	4	Oct. 22, 1860
,,	Mark Perrin,	239	11	8	Oct. 4, 1859
,,	Charles M. Barry,	79	1	3	April 30, 1859
,,	Richard Bunnion,	26	10	0	April 20, 1860
,,	Hugh B. Magahan,	6	6	2	Jan. 7, 1860
,,	James Noonan,	6	10	0	Do.
,,	Wm. Francis Hynes,	24	18	4	Nov. 30, 1860
,,	Thomas Ferguson,	4	15	10	March 1, 1855
,,	William Mathews,	4	15	10	Do.
,,	Paterson Sheridan,	4	15	10	Do.
,,	John Shaw,	2	7	11	Do.
,,	Yelverton O'Keeffe,	239	11	8	Oct. 28, 1858
,,	Robert Long,	241	6	4	Nov. 15, 1858
,,	Do.,	7	6	3	Jan. 10, 1853
,,	Digby P. Starkey,	86	2	8	April 30, 1859
,,	John B. Rolleston,	34	14	10	Do.
,,	Albert Barry Skyne,	30	6	9	Do.
,,	James A. Kift,	71	17	6	April 17, 1860
,,	John James Stanford,	154	0	11	June 1, 1857
,,	James A. Lyle,	153	16	2	Oct. 25, 1850
,,	Richard W. Litton,	153	6	8	Jan. 7, 1859
,,	William P. Smith,	154	0	10	Oct. 2, 1850
,,	William Daniel Murphy,	153	6	8	Nov. 5, 1850
,,	Richard King,	86	5	0	April 30, 1859
,,	William A. Forde,	86	5	0	Do.
,,	Campbell Moore,	86	5	0	Do.
,,	William O'Callaghan,	86	5	0	Do.
,,	Luke Davis,	47	18	4	Oct. 14, 1850
,,	Joseph Weld,	52	14	2	July 8, 1858
,,	Wm. Graham Brooke,	52	14	2	June 30, 1857
,,	Edward Baker,	52	14	2	Do.
,,	Samuel Barrington,	103	3	10	Feb. 21, 1853
,, 5,	Thomas Steele,	179	13	9	Feb. 6, 1851
,,	Wallace T. Ferguson,	47	18	4	Do.
,,	Thomas Smyth,	15	0	0	Do.
,,	James M'Keon,	35	18	9	Do.
,,	John Hanratty,	20	2	6	Do.
,,	William Crozier, jun.,	21	4	8	Do.
,,	William T. Hamilton,	239	11	8	Dec. 23, 1850
,,	Hon. R. O'Grady,	208	1	4	Do.
,,	William Crozier,	209	10	1	Do.
,,	William Kennefeck,	26	14	0	Feb. 6, 1851
,,	Daniel Delany,	18	15	0	Do.
,, 12,	John Brophy,	23	19	2	April 9, 1861
,, 20,	Henry Darley,	471	14	1	June 4, 1840
,,	Charles Hogan,	308	17	0	March 28, 1857
,,	Edward Moore,	52	2	11	Dec. 2, 1837, & Sept. 22, 1851
,,	William Shortt,	53	18	5	Do.
,,	Peter Bayly,	25	4	5	Do.
,,	Thomas Ferguson,	8	10	5	Do.
,,	Campbell Moore,	12	14	4	Do.
,,	Peter Skyne,	12	17	7	Do.
,,	Frederick Flood,	1	17	7	Do.
,,	Joseph H. Mulholland,	1	18	2	Do.
,,	Joseph S. Moore,	6	13	6	Do. and Nov. 21, 1855
,,	Richard Bayly,	9	18	1	Do.
,,	Henry Ferguson,	6	12	0	Do.
,,	Timothy Lyons,	35	18	9	Do.
,,	Patrick Ward,	14	17	9	Do.
,,	Frederick L. Flood,	1	19	3	Do.
,,	John Shortt,	2	5	10	Do.
,,	John Lyons,	16	2	11	Do.
,,	William Dennehy,	4	4	3	Do.
,,	Thos. H. Mulholland,	7	4	1	Do.
,,	John Shortt,	2	5	10	Do.
,,	Alexander D. Eiffe,	18	15	0	Nov. 9, 1859
,,	Robert Corbet,	62	15	0	Feb. 9, 1849
,,	Thomas R. Burrowes,	17	2	5	April 26, 1852
,,	William Maddock,	20	6	10	Do.
,,	Michael Reddin,	5	1	1	Dec. 2, 1837, & Sept. 22, 1851
,,	Frederick Sutton,	1	5	7	Do.
,,	James J. O'Reilly,	8	15	11	Do.
,,	William Dennehy,	17	10	5	Do.
,,	Thomas Ferguson,	6	4	3	Do.
,,	Campbell Moore,	8	9	6	Do.
,,	Frederick Sutton,	2	11	2	Do.
,, 30,	Ralph S. Cusack,	281	2	0	April 23, 1861
May 1,	Hon. Henry Sugden,	885	4	7	May 2, 1861

Cr.

COURT OF CHANCERY, IRELAND.

Suitors' Fee Fund Account for year ending September, 1861.

Return of Digby P. Starkey, esq., Account-ant-General.

COURT OF CHANCERY, IRELAND.

Suitors' Fee Fund Account for year ending September, 1861.

Return of Digby P. Starkey, esq., Accountant-General.

Dr.

1861.	To Cash paid—	Payments. £	s.	d.	Date of Order.
May 9,	William Wisdom,	0	11	8	March 1, 1855
„ 14,	Francis John Nash,	34	19	0	Aug. 11, 1851
„	Thomas M'Conry,	16	10	0	Do.
„	James Croghan,	15	0	0	Do.
„	Sylvester M'Conry,	15	0	0	Do.
„	James Kerin,	14	7	6	Do.
„	Thadeus Farrell,	14	7	6	Do.
„	William Supple,	1	0	0	April 26, 1852
„	Richard Lambert,	1	0	0	Do.
„	John H. Walsh,	38	7	0	June 29, 1852
„	Henry M. Quinan,	159	19	1	Aug. 11, 1851
„	Thomas O'Connor,	15	0	0	Do.
„ 22,	John O'Connor,	29	14	2	May 22, 1852
June 4,	James Charles Ferrier (Executor of Robert Long),	48	13	9	June 3, 1861
„ 14,	The Income Tax Account	249	1	2	March 18, 1854
July 1,	Acheson Lyle,	481	5	0	Oct. 22, 1860
„	Samuel Barrington,	103	12	10	Feb. 21, 1853
„	Digby P. Starkey,	85	15	2	April 30, 1859
„	John B. Rolleston,	37	5	11	Do.
„	Albert B. Skyne,	32	18	2	Do.
„	James A. Kift,	72	3	9	April 17, 1860
„	Mark Perrin,	240	12	6	Oct. 4, 1859
„	Charles M. Barry,	83	0	4	April 30, 1859
„	Richard Henn,	96	5	0	Nov. 17, 1851
„	John Kelly,	85	3	7	March 14, 1853
„	Barry Collins,	48	2	6	Jan. 14, 1854
„	James A. Lyle,	159	4	10	Oct. 25, 1850
„	John J. Stanford,	159	9	0	June 1, 1857
„	William D. Murphy,	158	16	3	Nov. 5, 1850
„	Richard W. Litton,	158	16	3	Jan. 7, 1859
„	William P. Smith,	159	9	0	Oct. 2, 1850
„	Richard King,	90	4	8	April 30, 1859
„	William A. Forde,	90	4	8	Do.
„	Campbell Moore,	90	4	8	Do.
„	William O'Callaghan,	90	4	8	Do.
„	Luke Davis,	48	2	6	Oct. 14, 1850
„	Joseph Weld,	52	18	9	July 8, 1858
„	Hugh B. Magahan,	9	15	0	Jan. 7, 1860
„	Richard Bunnion,	26	12	4	April 20, 1860
„	William Magrath,	26	12	4	Do.
„	Christopher Magrath,	25	7	0	Do.
„	Yelverton O'Keeffe,	240	12	6	Oct. 28, 1858
„	William G. Brooke,	52	18	9	June 30, 1857
„	Edward Baker,	52	18	9	Do.
„	Venerable James Smith,	36	1	10	July 10, 1858
„	James Noonan,	6	10	0	Jan. 7, 1860
„	William F. Hynes,	25	0	6	Nov. 13, 1860
„	Thomas Ferguson,	4	16	3	Dec. 2, 1837, & Sept. 22, 1851
„	William Mathews,	4	16	3	Do.
„	Paterson Sheridan,	4	16	3	Do.
„	John Shaw,	2	8	1	Do.
„	John Williams,	2	8	1	Do.
„	Patrick G. O'Connor,	2	8	1	Do.
„	William Wisdom,	2	10	0	Do.
„	Thomas Moore,	2	8	1	Do.
„	James W. G. Rynd,	2	8	1	Do.
„	Alexander D. Eiffe,	18	15	0	Nov. 9, 1859
„	Thomas Steele,	180	9	4	Feb. 6, 1851
„	James M'Keon,	36	1	10	Do.
„	Thomas Smyth,	15	0	0	Do.
„	John Hanratty,	20	4	3	Do.
„	William Crozier, jun.,	21	6	2	Do.
„	William Kennefeck,	26	16	3	Do.
„	Daniel Delany,	18	15	0	Feb. 6, 1851
„	Wm. Tighe Hamilton,	240	12	6	Dec. 23, 1850
„	Hon. Richard O'Grady,	208	19	5	Do.
„	William Crozier,	210	5	4	Do.
„	Wallace Thos. Ferguson,	48	2	6	Feb. 6, 1851
„ 9,	Yelverton Dawson,	650	0	0	—
„ 20,	Edward Moore,	52	6	9	Dec. 2, 1837, & Sept. 22, 1851
„	William Shortt,	54	6	3	Do.
„	Thomas Ferguson,	8	11	1	Do.
„	Campbell Moore,	12	15	5	Do.
„	Joseph Scott Moore,	6	14	1	Do., and Nov. 21, 1855
„	Peter Skyne,	12	18	8	Do.
„	Frederick Flood,	1	17	9	Do.
„	Thomas H. Mulholland,	1	18	4	Do.
„	Richard Bayly,	9	18	11	Do.
„	Henry Ferguson,	6	12	7	Do.
„	Timothy Lyons,	36	1	10	Do.
„	Patrick Ward,	14	17	9	Do.
„	Frederick Flood,	1	19	3	Do.
„	John Shortt,	2	5	10	Do.

Cr.

COURT OF CHANCERY, IRELAND.

Suitors' Fee Fund Account for year ending September, 1861.

Return of Digby P. Starkey, esq., Accountant-General.

COURT OF CHANCERY, IRELAND. — Suitors' Fee Fund Account for year ending September, 1861. — Return of Digby P. Starkey, esq., Accountant-General.

Dr. *Cr.*

1861.	To Cash paid—	Payments. £	s.	d.	Date of Order.
July 20,	John Lyons,	16	4	3	
,,	William Dennehy,	4	4	7	Do.
,,	Francis O'Beirne,	11	3	8	Do.
,,	John Shortt,	2	5	10	Dec. 2, 1837, & Sept. 22, 1851
,,	Michael Reddin,	5	1	6	Do.
,,	Frederick Sutton,	1	5	8	Do.
,,	Thomas Ferguson,	6	4	10	Do.
,,	Peter Bayly,	25	6	7	Do.
,,	Ralph S. Cusack,	332	11	0	July 24, 1861
,,	John Brenan,	172	3	11	June 4, 1840
,,	Yelverton Dawson,	368	4	1	Do.
,,	George Hudson,	322	0	9	Do.
,,	Henry Darley,	473	9	3	Do.
,,	Robert Corbet,	63	0	5	Feb. 9, 1849
,,	Charles Hogan,	309	10	3	March 28, 1857
,,	Do.	96	5	0	Nov. 29, 1856
,,	Thomas R. Burrowes,	17	3	11	April 26, 1852
,,	William Maddock,	20	8	7	Do.
,,	James J. O'Reilly,	8	3	4	Dec. 2, 1837, & Sept. 22, 1851
,,	Digby P. Starkey,	36	17	9	July 23, 1861
Aug. 12,	Hon. Henry Sugden,	467	1	9	Aug. 9, 1861
,,	Francis John Nash,	35	2	0	Aug. 11, 1851
,,	Thomas M'Conry,	16	10	0	Do.
,,	James Croghan,	15	0	0	Do.
,,	Thadeus Farrell,	14	8	9	Do.
,,	Sylvester M'Conry,	15	0	0	Do.
,,	James Kerin,	14	8	9	Do.
,,	William Supple,	1	0	0	April 26, 1852
,,	Richard Lambert,	1	0	0	Do.
,,	Thomas O'Conner,	15	0	0	Aug. 11, 1851
,,	John Henry Walsh,	38	10	4	June 29, 1852
,,	Henry M. Quinan,	71	17	2	May 7, 1852
,,	Charles M. Barry,	22	18	0	Aug. 15, 1861
,	Yelverton O'Keeffe,	872	18	4	Do.
,,	To Income Tax Account,	261	18	5	March 18, 1854
Sept. 13,	Hon. Henry Sugden,	650	0	0	Sept. 28, 1861

29th September, 1861.

I certify that the foregoing is a true copy of the account in this matter, from 29th September, 1860, to 29th September, 1861, as the same stands in the books kept in my office for the Suitors of the Court of Chancery, and that there is now in the Bank of Ireland to the credit of said matter the following sum:—Cash in Bank, £8,109 3*s.* 5*d.*

(Signed), DIGBY P. STARKEY, *Accountant-General.*

APPENDIX U.—PAPERS ON THE SUBJECT OF COSTS.

COMMON LAW COSTS.

CONTENTS :

	Page
I. Circular to Judges of the Superior Courts of Common Law, Barristers, and Societies of Attorneys and Solicitors,	206
II. Answers to Circular, viz.:—	
1. The Right Hon. Mr. Baron Deasy,	207
2. Mr. Sergeant Armstrong,	207
3. George Battersby, Esq., LL.D., Q.C.,	207
4. Henry H. Joy, Esq., LL.D., Q.C.,	207
5. William W. Brereton, Esq., Q.C.,	208
6. Alexander Norman, Esq., Q.C.,	208
7. C. H. Hemphill, Esq., Q.C.,	208
8. J. W. Carleton, Esq., Q.C.,	208
9. D. C. Heron, Esq., LL.D., Q.C.,	208
10. Michael Morris, Esq., Q.C.,	209
11. Richard Dowse, Esq., Q.C.,	209
12. The Council of the Incorporated Society of Attorneys and Solicitors,	209
13. Northern Law Club,	209
14. Cork Law Society,	209
III. Joint Statement of Messrs. Jellett and Holland upon the subject of Costs in the Superior Courts of Common Law in England and Ireland,	210
IV. Statement of Mr. Jellett upon the subject of Costs in the Superior Courts of Common Law in Ireland,	210
V. Statement of Mr. Holland upon the subject of Costs in the Superior Courts of Common Law in England,	221
VI. Summary of principal Differences as to Costs in the Superior Courts of Common Law in England and Ireland,	239

FORM OF CIRCULAR.

Form of Circular.

Law and Chancery Commission,
Dublin, —— day of ——, 1865.

SIR,—I am directed by Her Majesty's Commissioners for inquiring into the Superior Courts of Common Law and the Courts of Chancery in England and Ireland to state, that it occurs to the Commissioners that it may be desirable to establish a uniform rule in relation to final costs in the Superior Courts of Common Law, to the effect—

"That in actions of tort or breach of promise of marriage, when the plaintiff recovers in any way a sum not exceeding £5, and in actions of contract a sum not exceeding £20, he should not as of course be entitled to costs."

Common Law Costs. — Form of Circular.

The Commissioners are now further considering whether, in such cases, when the plaintiff recovers a sum not exceeding £5 or £20 respectively, the certificate of the Judge, Presiding Officer, or Court should be required to entitle the plaintiff to costs, or whether it would be more advisable to establish as a rule for such cases, that the plaintiff should be entitled to costs unless the Judge, Presiding Officer, or Court certify to deprive him of them.

Upon this question I am directed to request that you will, on or before —— the —— instant, favour the Commissioners with your opinion.

I am, Sir,

Your obedient servant,

(Signed), W. Neilson Hancock,
Secretary.

To ——

Common Law Costs. — Form of Circular.

Answers to Questions on the subject of Costs. — The Rt. Hon. Mr. Baron Deasy.

II.—1. Answers to Questions on the Subject of Costs. The Right Hon. Mr. Baron Deasy.

Answers to Questions on the subject of Costs. — The Rt. Hon. Mr. Baron Deasy.

27, Merrion-square, North,
May 20, 1865.

Sir,—In answer to your letter of the 18th May, I beg to state, that in my opinion it would be very desirable that the right to final costs in actions in the Superior Courts of Common Law in Ireland should be governed by some fixed rule, irrespective of the discretion of the Judge by whom the case is tried. As long as it is subject to the discretion of the Judge it must necessarily be uncertain in those cases over which that discretion extends, because different Judges will exercise that discretion in a different manner. That uncertainty leads to the bringing and to the resisting of actions, which would not be brought or resisted if the parties and their advisers knew that costs would necessarily be given or withheld according to the result.

It tends also to produce discontent; because the party against whom the decision is made ascribes his loss to the individual Judge, and thinks that if his case had been tried before another Judge the result would have been different.

In addition, I may say that there is considerable difficulty in determining what are the elements which should guide the Judge in the exercising the discretion vested in him by the 98th section of the Common Law Procedure Act of 1856. My opinion, therefore, is, that that discretionary power should be altogether taken away, and that the only power left to the Judge should be that of certifying that the action was brought for the purpose of trying a right more extensive than the sum recovered; and I would suggest, that any ruling of the Judge upon that should be subject to an appeal to the Court out of which the record issued.

As to what the rule regulating the costs should be, I do not think that the terms of your letter call for the expression of any opinion from me.

I remain, Sir,

Your obedient servant,

(Signed), R. Deasy.

Mr. Sergeant Armstrong.

II.—2. Answers to Questions on the Subject of Costs. Mr. Sergeant Armstrong.

Mr. Sergeant Armstrong.

32, Stephen's-green, Dublin,
6th June, 1865.

"Law and Chancery Commission."

Sir,—In reply to your letter of the 18th ultimo, I beg to say my preference between the two suggested rules would be guided by my opinion (which I am not asked to give) as to the policy of further discontinuing a resort to the Superior Courts, and I think the certificate to entitle will, of the two, have the greater tendency in this direction.

I am, Sir,

Your obedient servant,

(Signed), Richard Armstrong.

George Battersby, Esq., LL.D., Q.C.

II.—3. Answers to Questions as to Costs. George Battersby, Esq., LL.D., Q.C.

George Battersby, Esq., LL.D., Q.C.

May 25, 1865.

In my opinion, the plaintiff in the cases put ought to have his costs, unless the Judge, &c., certify to deprive him of them.

(Signed), George Battersby.

Henry H. Joy, Esq., LL.D., Q.C.

II.—4. Answers to Questions as to Costs. Henry H. Joy, Esq., LL.D., Q.C.

Henry H. Joy, Esq., LL.D., Q.C.

Mountjoy-square,
May 27, 1865.

Sir,—I beg to say, in reply to your letter of the 18th instant, it appears to me, that from the difficulty in which a plaintiff is placed, in an action of tort or breach of promise of marriage, in anticipating the amount of damages which a jury may give, it is advisable to establish as a rule, in such cases, that the plaintiff should be entitled to costs, unless there is a certificate given to deprive him of costs. The reason does not appear to me so applicable in actions of *contract*; but as there are advantages in having a uniform rule, it seems to me by no means clear that it would not be better in these cases also to leave it to the defendant to apply to the court (where he has ground for doing so) to certify for the purpose of depriving the plaintiff of his costs.

I am, Sir,

Your obedient servant,

(Signed), Henry H. Joy.

W. Neilson Hancock, Esq.,
Secretary to the Law and Chancery Commission,
Four Courts.

Common Law Costs.

Answers to Questions on the subject of Costs.

W. W. Brereton, Esq., Q.C.

II.—5. Answers to Questions as to Costs. Wm. W. Brereton, Esq., Q.C.

65, Fitzwilliam-square, May 27, 1865.

Sir,—In reply to the question now under the consideration of Her Majesty's Commissioners for inquiring into the Superior Courts of Common Law and the Courts of Chancery in England and Ireland, as mentioned in your letter of the 18th instant, I beg to state that, in my opinion, having given the subject the attention it deserves, the rule in relation to final costs in the Superior Courts of Common Law should be to the effect—

That in all actions of tort, or breach of promise of marriage, when the plaintiff in any way recovers damages, he shall be entitled to costs, unless, in case such damages shall not exceed £5, the Judge at the trial shall certify on the back of the record that the plaintiff is not entitled to costs; and that in all actions of contract, when the plaintiff in any way recovers a sum not exceeding £20, the plaintiff shall not be entitled to costs unless the Judge at the trial shall certify in like manner that the plaintiff is entitled to costs.

My reasons for making a distinction between the two classes of actions are shortly these:—

Because actions of tort, *e.g.*, for libel, slander, false imprisonment, and malicious prosecution, are frequently brought for the vindication of character, rather than for damages, and in many cases, it is difficult, if not impossible, to estimate the amount of damages which a jury would give to the plaintiff in actions of tort, and plaintiff in such cases is often unable to decide whether he should accept such sum as the defendant may bring into court; and therefore, in my opinion, the plaintiff should not be deprived of his right to costs, either at Common Law or by statute, except upon the certificate of the Judge, who will have all the circumstances of the case before him. But in actions of contract the plaintiff in most cases can form a tolerably correct estimate of the sum he is entitled to recover; and therefore, if he fails to recover a sum exceeding £20, the onus should, I think, be thrown upon him to satisfy the Judge that his case was one which could not, or ought not to have been tried in the Civil Bill Court.

I am, Sir,

Your obedient servant,

(Signed), Wm. W. Brereton.

W. Neilson Hancock, Esq.,
Law and Chancery Commission, Four Courts.

Common Law Costs.

Answers to Questions on the subject of Costs.

W. W. Brereton, Esq., Q.C.

Alex. Norman, Esq., Q.C.

II.—6. Answers to Questions as to Costs. Alex. Norman, Esq., Q.C.

In reply to the foregoing question of the Commissioners, I respectfully suggest, that upon the plaintiff recovering according to the rule he shall be entitled to his costs without any certificate, and the same shall only be disallowed on certificate of the Judge before whom the case is tried; such certificate to be applied for before the Judge rises on the same day the verdict is returned.

I would recommend a provision preserving the power of the Judge to certify in cases of *bona fide* questions of title *tried*, though the plaintiff shall recover less than the sum provided by the rule. See sec. 126 Common Law Procedure Act, 1853.

(Signed), Alex. Norman.

Alex. Norman, Esq., Q.C.

C. H. Hemphill, Esq., Q.C.

II.—7. Answers to Questions as to Costs. C. H. Hemphill, Esq., Q.C.

Gentlemen,—If the object is to prevent frivolous and vexatious actions, I am decidedly of opinion that in the cases indicated the certificate of the Judge, presiding officer, or Court *should be required* to entitle the plaintiff to costs. To shift the onus of procuring a certificate upon the party defending himself against a frivolous action would obviously be to place him at a great disadvantage.

Your obedient, humble servant,

(Signed), C. H. Hemphill.

23, Merrion-square, South,
May 27, 1865.

C. H. Hemphill, Esq., Q.C.

J. W. Carleton, Esq., Q.C.

II.—8. Answers to Questions as to Costs. J. W. Carleton, Esq., Q.C.

The present state of the law as to costs is objectionable, upon the grounds that it furnishes no simple or uniform rule, and that it makes the amount of the costs to depend in the first instance upon the amount of the verdict.

According to my apprehension, the sole duty of a jury is to decide upon the merits of the subject of the suit, as disclosed by the evidence; and, in strictness, they have no right to inquire into or to decide upon the propriety or impropriety of the institution of the suit, or of the manner of conducting it. The knowledge, however, that the amount of the costs depends in a great degree upon the amount of the verdict misleads the jury from the proper line of their duty, and induces them to pronounce upon matters which are not properly before them, and of which they are incapable of judging; and the consequence has been, in my experience, that in the great majority of cases juries have assessed the damages, not, as it was their duty to do, upon the abstract merits of the subject of the suit, but according to their crude notions of rewarding or punishing the parties by awarding or withholding the costs.

In my humble judgment, therefore, the rule should be simply, that in every instance full costs shall follow the result of the verdict; with power to the presiding Judge, when the damages shall not exceed £5 in actions of tort, or £20 in actions of contract, to reduce the costs to one-half by a disqualifying certificate to that effect.

(Signed), J. W. Carleton, Q.C.

70, Lower Leeson-street,
May 31, 1865.

J. W. Carleton, Esq., Q.C.

D. C. Heror, Esq., LL.D., Q.C.

II.—9. Answers to Questions as to Costs. D. C. Heron, Esq., LL.D., Q.C.

7, Upper Fitzwilliam-street,
May 29.

Sir,—In answer to your circular of May 18th, I beg to state as follows:—

I consider the rule ought to be—That in actions of tort or breach of promise of marriage, when the plaintiff in any way recovers a sum less than £5, and in actions of contract a sum less than £20, he should receive full costs, unless the Judge of the trial certify that he should not be entitled to any costs, or certify it is a case for half costs.

I am,

Your obedient servant,

(Signed), D. C. Heron.

W. N. Hancock, Esq., LL.D.

D. C. Heron, Esq., LL.D., Q.C.

Common Law Costs.

Answers to Questions on the subject of Costs.

Michael Morris, Esq., Q.C.

II.—10. Answers to Questions as to Costs. Michael Morris, Esq., Q.C.

22, Lower Fitzwilliam-street,
May 27, 1865.

Sir,—In reply to your circular of the 18th instant, I beg to state that I have already given my opinion upon and anticipated the present inquiry on the subject of "costs." I refer to my answers to "Questions on Common Law Practice and Procedure," dated November 1st, 1862, and printed in the Appendix to the Commissioners' report. I still abide by the same opinion I then took the liberty of giving upon the subject of costs, viz.:—that the question of right to costs should arise when the plaintiff in "tort" recovered *less than* £5, and in "contract" *less than* £20, and also that the certificate should be to disentitle a plaintiff to costs.

I remain, Sir, yours,

(Signed), Michael Morris.

Common Law Costs.

Answers to Questions on the subject of Costs.

Michael Morris, Esq., Q.C.

Richard Dowse, Esq., Q.C.

II.—11. Answers to Questions as to Costs. Richard Dowse, Esq., Q.C.

30, Mountjoy-square,
May 27, 1865.

Sir,—In answer to the communication received from you, dated the 18th instant, I beg leave to send the following as my reply to the question upon which, by the direction of Her Majesty's Commissioners, you request my opinion. I am of opinion, in cases in which the plaintiff recovers a sum not exceeding £5 and £20 respectively, he should be entitled to his costs unless there is a certificate to deprive him of them. I would throw on a defendant who wishes to deprive a plaintiff of costs the onus of making an application for that purpose. I can readily conceive cases in which the change will be in furtherance of the ends of justice. A Judge, from many considerations, might think a plaintiff entitled to his costs, and still not consider it right to certify under his hand what the law requires at present. I can hardly think of a case in which the plaintiff should be deprived of his costs that there will be any difficulty in giving a certificate to that effect. I am the more inclined to come to this conclusion from the consideration that the proposed change as to costs in actions of contract will in many cases be prejudicial to plaintiffs.

I think when a sum is fixed to govern costs that a round sum should be fixed.

No matter how Judges may struggle against it, or counsel, juries are more or less influenced by the question of costs in giving verdicts. If the law is altered as proposed, I have no doubt posteas will contain on the face of them a record of this influence. I have known a verdict for £5 and 6*d.* in an action of tort.

I hope I may be excused for going into this matter. I would not have done so had it not borne on the reasons that influenced my mind in coming to my present opinion.

I have the honour to be, Sir,
Your obedient servant,
(Signed), R. Dowse.

W. N. Hancock, Esq.

Richard Dowse, Esq., Q.C.

The Council of the Incorporated Society of Attorneys and Solicitors.

II.—12. Answers to Questions as to Costs. The Council of the Incorporated Society of the Attorneys and Solicitors of Ireland.

Solicitors' Buildings, Four Courts,
Dublin, May 27, 1865.

Sir,—In answer to the query contained in your letter of the 18th instant, having reference to the desirableness of establishing a uniform rule in relation to final costs in the Superior Courts of Common Law,—

I am directed to state, for the information of Her Majesty's Commissioners for inquiring into the Superior Courts of Common Law and the Courts of Chancery in England and Ireland, that in the opinion of the Council of this Society, when the plaintiff recovers a sum not exceeding £5 or £20 respectively, it would be desirable to establish as a rule for such cases that he should be entitled to his costs, unless the Judge, presiding officer, or Court, should *at the trial* certify that he was not entitled to them.

I am, Sir,
Your obedient servant,
(Signed), John H. Goddard,
Secretary.

W. Neilson Hancock, Esq.
&c. &c.

The Council of the Incorporated Society of Attorneys and Solicitors.

Northern Law Club.

II.—13. Answers to Questions as to Costs. Northern Law Club.

Northern Law Club, Belfast,
3rd June, 1865.

Sir,—I am directed by the Committee of this Society, in reply to your circular of the 25th ultimo, to state that they consider it would be more advisable to establish as a rule that in actions of tort or breach of promise of marriage, when the plaintiff recovers in any way a sum not exceeding £5, and in actions of contract a sum not exceeding £20, he should be entitled to costs, unless the Judge, presiding officer, or Court certify to deprive him of them.

I am, Sir,
Your obedient servant,
(Signed), Hugh Hyndman,
Hon. Secretary.

W. Neilson Hancock, Esq., LL.D.,
Secretary, Law and Chancery Commission,
Four Courts.

Northern Law Club.

Cork Law Society.

II.—14. Answers to Questions as to Costs. Cork Law Society.

Cork Law Society,
Council Rooms, 17, South Mall, Cork,
2nd June, 1865.

Sir,—In reply to your circular of the 25th ultimo, addressed to our Secretary, I am directed to inform you that the Council of this Society are of opinion that the more desirable rule in the case put by you would be "that the costs should follow the verdict, unless the Court certify against them."

I am directed to add that the Council of this Society are of opinion that it is very desirable that the present rule should be altered, so that money may be lodged in Court in all civil actions.

I write in the absence of our Secretary.

I am Sir,
Your obedient servant,
(Signed), H. S. Noblett,
Hon. Treasurer, for Secretary.

W. N. Hancock, Esq., LL.D.,
Secretary, Law and Chancery Commission Office,
Four Courts, Dublin.

Cork Law Society.

Common Law Costs.

III.—Joint Statement by Messrs. Jellett and Holland of the Law upon the subject of Costs in the Superior Courts of Common Law of England and Ireland. [3rd November, 1864.]

Common Law Costs.

Joint Statement of Messrs. Jellett and Holland.

In proceeding in compliance with the request of Her Majesty's Commissioners to draw up a statement of the law upon the subject of costs in the Superior Courts of Common Law of England and Ireland, with a view to having the statutes relating to costs in both countries revised, consolidated, and assimilated, we have followed the plan which we adopted in our former Report upon the practice and procedure of the Courts, of preparing separate statements as well as a summary of differences.

Since the passing of the Common Law Procedure Acts the practice as to costs is substantially the same in both countries, and as there are Irish Acts corresponding to most of the English Acts relating to costs, and many of the Acts relating to costs are Imperial Acts extending to both countries, the summary of differences would not alone bring the whole subject of costs before Her Majesty's Commissioners. We trust, however, that the separate statements, which have been prepared as concisely as possible, will supply in a great measure this deficiency.

In preparing the summary of differences we have followed the order adopted in the separate statement of Mr. Holland, as this will facilitate references.

We respectfully submit the following statements and summary to the consideration of Her Majesty's Commissioners.

(Signed), H. P. Jellett.
H. T. Holland.

Common Law Costs, Ireland.

IV.—Statement of Mr. Jellett upon the subject of Costs in the Superior Courts of Common Law in Ireland. [3rd November, 1864.]

Common Law Costs, Ireland.

Statement of Mr. Jellett.

In preparing a separate statement on the subject of costs, in the Superior Courts of Law in Ireland, I have considered it convenient to follow the same division of the subject as that adopted by Mr. Holland in his separate statement. Most of the earlier statutes by which the right to costs was regulated in England were followed by statutes nearly contemporaneous in Ireland, in which the substance and, in most cases, the phraseology, of the English statutes were strictly followed. Many of these statutes have since been repealed, and re-enacted by the Common Law Procedure Acts of 1853 and 1856; and those which remain are in terms so exactly identical with those existing in England on the same subject, that I have not considered it necessary, in referring to an Irish statute which is in terms the same as that existing in England, to do more than to state its effect, and the corresponding English statute upon which it has been founded.

Interlocutory costs.

Costs are either interlocutory or final. Interlocutory costs are such as are awarded from time to time to one or other of the litigating parties during the intermediate stages of the suit. The right to interlocutory costs is in general determined by the discretion of the Court, or, in some instances, according to a practice established by usage, and in accordance with which the Court regulates its discretion. In some few instances, which will be noticed in their proper place, the right to interlocutory costs is confirmed or regulated by statutes or general orders; but such instances are few. As a general rule, interlocutory costs are awarded by the Court or Judge, according to the circumstances of each case.

Following the division of the subject adopted by Mr. Holland, I propose to consider the question with reference to—

First, Costs where an action has proceeded to issue, and has been decided on the merits whether of law or fact.

Secondly, Costs where an action has terminated before verdict.

Thirdly, The costs of different steps in an action.

Fourthly, Costs in particular actions and proceedings.

Fifthly, Costs where parties sue or are sued in a particular character.

Sixthly, Costs in proceedings against persons protected by statute.

Seventhly, Costs in certain special proceedings, as mandamus, prohibition, &c.

Eighthly, Double and Treble costs.

Ninthly, Taxation of costs.

Tenthly, The mode of recovering costs in general.

First.—Where an Action has proceeded to issue, and has been decided on the merits whether of law or fact.

(1.) *As to the Plaintiff's right to Costs in such cases.*

The right which the *plaintiff* now has (subject to certain exceptions) to recover costs may be said to be entirely the creation of statute.

Plaintiff not entitled to costs as such before Statute of Gloucester, 6 Ed. I., c. 1.

Prior to the Statute of Gloucester, the 6th Ed. I., c. 1, extended to Ireland by the provisions of Poyning's Act, costs, if given to the plaintiff, were included in the award of damages in actions in which damages were recovered—a practice which is still preserved in the mode of entering costs on the record as an increase of damages by the order of the Court. The damages having been found in time inadequate to defray the plaintiff's expenses, the Statute of Gloucester enacted in effect that the plaintiff should be entitled to costs in all cases in which damages were recovered.

This statute, being restricted to cases in which the plaintiff recovers damages by verdict, did not confer a right to costs in actions in which damages are not recovered, *e.g.* debt for not setting out tithes, *qui tam* actions at the suit of a common informer; or to cases in which judgment was recovered by the plaintiff on demurrer.

9 W. III., c. 10, s. 3, (Ir.), corresponding with 8 & 9 Wm. III., c. 11, (Eng.)

These defects were partially remedied by 9 Wm. III., c. 10 (Ir.), which enacted by section 3, that if any person brought any action of waste, or action of debt upon the statute for not setting forth tithes, "in which said several actions the single value or damage found by the jury or juries should not exceed £3, the plaintiff or plaintiffs, recovering either by judgment upon verdict or demurrer in such action, should likewise have and recover his and their costs of suit at the like discretion of the Justices before whom

COMMON LAW COSTS, IRELAND.

Statement of Mr. Jellett.

such writ or writs should be brought, and judgment thereon given."

And by section 2, the plaintiff or demandant, for whom judgment is given upon demurrer, "shall have and recover his and their costs, to be awarded by the Court in such like manner as if such judgment or judgments had been given or recovery had by such party or parties upon action tried by jury and verdict passed for such party therein."

The provisions of this statute have been amended and explained by subsequent statutes, which, however, relate principally to *scire facias*, and are noticed hereafter.

3 & 4 Vic., c. 105, s. 59, (Ir.), corresponding with 3 & 4 W. IV., c. 42, s. 34, (Eng.)

By 3 & 4 Vic., c, 105, s. 59, it is enacted that where judgment shall be given, either for or against a plaintiff or demandant, upon any demurrer joined in any action whatever, the party in whose favour such judgment shall be given shall also have judgment to recover his costs." This enactment corresponds with the provisions of the 3 & 4 Wm. IV., c. 42, s. 34 (Eng.)

The law as to costs in *qui tam* actions at the suit of common informers remains unaltered; so that unless the statute which creates the penalty enacts that the informer shall have costs, he is not even now entitled to them.

The Statute of Gloucester, and the several statutes which have been from time to time engrafted upon it, having thus established the general right of the plaintiff in actions in which damages are recovered, when successful, to the costs of suit, exceptions have from time to time been introduced by the legislature, qualifying this general right, chiefly with the object of discouraging frivolous or vexatious litigation. These exceptions are now principally embraced in the Common Law Procedure Act (Ireland), 1853, and the Common Law Procedure Act (Ireland), 1856, and may be stated as follows:—

C.L.P.A., 1853, s. 126.

(*a.*) In actions for slanderous words, if the plaintiff recovers less than forty shillings, he recovers no more costs than damages, and the Judge has no power to certify so as to entitle the plaintiff to a larger sum for his costs of suit (C. L. P. A., 1853, s. 126).

(*b.*) In actions for assault and battery, if the plaintiff recovers less than forty shillings the plaintiff recovers no more costs than damages, unless the Judge certifies the assault and battery to have been sufficiently proved (C. L. P. A., 1853, s. 126).

(*c.*) In actions for a trespass upon land, if the plaintiff recovers less than forty shillings he recovers no more costs than damages, unless the Judge certifies that the freehold or title to the land was chiefly in question, or that the trespass was voluntary or malicious (C. L. P. A., 1853, s. 126).

C.L.P.A., 1856, s. 97.

(*d.*) In case the plaintiff and defendant *both* reside within the jurisdiction of the County Court in which the cause of action has arisen, and the plaintiff recovers in an action of contract (except for breach of promise of marriage), less than twenty pounds, or in an action for any wrong or injury unconnected with contract, (except replevin, or for slander, libel, malicious prosecution, seduction, or criminal conversation), a sum not exceeding five pounds, the plaintiff is not entitled to *any* costs, unless the Judge certifies that the case could not have been tried in the county court, or that, though capable of being tried there, it was a fit case to try in the superior courts, or in cases where there is no trial, unless the Court or a Judge make an order to the like effect (C. L. P. A., 1856, s. 97).

(*e.*) In the class of actions enumerated in (*d*), if the parties do not reside in the same County Court jurisdiction, or if though resident within the jurisdiction of the same County Court, the cause of action has not arisen there, the plaintiff is only entitled to recover one-half the usual costs, unless the action has been brought for the purpose of trying a right of property more extensive than the sum sued for (C. L. P. A., 1853, s. 243).

C.L.P.A., 1853, s. 243.

(*f.*) In actions on any judgment or record, the plaintiff is not entitled to any costs of suit, unless the Court, or a Judge of it, otherwise orders (43 Geo. III., c. 46, s. 4).

43 G. III., c. 46.

(*g.*) When the plaintiff, without reasonable or probable cause, arrests or holds the defendant to bail for a greater amount than is afterwards recovered in the action, the defendant is entitled to his costs; and the plaintiff can only take the defendant in execution for the amount of the difference between the ascertained debt and the defendant's costs (43 Geo. III., c. 46, s. 1).

(*h.*) *In actions for the infringement of patents*, by 15 & 16 Vic., c. 83, s. 43, it is enacted "that regard shall be had to the particulars of demand and objection delivered in the action, and that the plaintiff shall not be allowed any costs in respect of any particular, unless certified by the Judge, before whom the trial takes place, the same as in a personal action."

15 & 16 Vic., c. 83.

(*i.*) Where more than one action is brought upon the same negotiable security, the plaintiff is only entitled to one-half of the ordinary costs of such actions, having regard to the sums for which the action or actions have been brought, unless the plaintiff shall show to the satisfaction of the Taxing Master a fair and reasonable ground for bringing more than one action.—3 G. O., 15th Nov., 1859.

Costs in case of judgment by default in actions for liquidated money demands. C.L.P.A., 1853, s. 96.

By the Common Law Procedure Act, 1853, s. 96, "where the plaintiff's claim is for a debt or liquidated demand in money, with or without interest, arising upon a contract, expressed or implied, in default of such defence or demurrer filed within the time aforesaid by the defendant, it shall be lawful for the plaintiff, on filing an affidavit of the service of the writ of summons and plaint in the manner hereinbefore prescribed, or of such substituted service as may be authorized as aforesaid, and of the notice of filing the summons and plaint, if any, and certificate of no defence filed, to sign final judgment, on which judgment no proceeding in error shall lie, for any principal sum not exceeding the sum claimed by the said writ, with legal interest thereon, and a sum for costs, to be fixed by the Taxing-Master, of the said superior courts, subject to the approval of the Lord Chief Justice of the Queen's Bench, and the other two Chief Judges of the said courts, unless the plaintiff claims more than such fixed sum, in which case the costs shall be taxed in the ordinary way; but no costs of such taxation shall be allowed unless the costs so taxed shall exceed the sum so settled and approved of."

A scale of costs has been fixed by an order of the 1st February, 1854, made in pursuance of this section. By 2 G. O., 15th November, 1859, if more than one action is brought on the same negotiable instrument, the sum allowed for costs is only half of the sum fixed under this scale, having regard to the sum for which the action is brought—subject, however, to the right of taxation provided by the 96th section of the Act.

And by 1 G. O., 15th November, 1859, the plaintiff's attorney, before marking judgment on a

negotiable instrument, is bound to sign and lodge a certificate that no more than one action has been brought on it.

Statement of Mr. Jellett.

2. *The right of the Defendant to Costs where an Action has proceeded to issue and been decided on the merits, whether of law or fact.*

The defendant's right to costs is, like that of the plaintiff, entirely the creation of statute. The statute 13 Edward II. (Ir.) first gave costs to a feoffee, maliciously impleaded by a Writ of right of Ward, and 3 Hen. VII., c. 10 (Eng.), extended to Ireland by Poyning's Act, gave costs to a defendant in error.

13 Ed. II.

10 Car. I., sess. 2, c. 17, (Ir.), corresponding with 23 II. VIII., c. 15, (Eng.)

The statute 10 Car. I., sess. 2., c. 17, which, in fact, corresponds with 23 Hen. VIII., c. 15 (Eng.), enacts, that if a plaintiff shall commence any action, bill, or plaint of trespass upon the statute of Rich. II., for entries upon lands, where the same is given, or any action, &c., of debt or covenant, or upon any contract supposed to be made between the plaintiff or plaintiffs and any person or persons; or any action, &c., of *detinue* of any goods, &c., whereof the plaintiff shall suppose the property belongeth to them; or any action of account in which the plaintiff supposes the defendant to be his bailiff or receiver of his manor, &c., to yield account; or any action, &c., upon the case, or upon any statute for any offence or wrong personal, immediately supposed to be done to the plaintiff, and the plaintiff in any such action be non-suited, or that any verdict happen to pass by lawful trial against the plaintiff in any such action, &c., that then the defendant or defendants in any such action, &c., shall have judgment to recover his costs.

10 & 11 Car. I., c. 8, (Ir.), (which corresponds with 4 Jac. I., c. 3, (Eng.)

And by 10 & 11 Car. I., c. 8, (Ir.), (which corresponds with 4 Jac. I., c. 3, (Eng.) if any person commence any action, &c., of *ejectione firmæ, or any action whatsoever* wherein the plaintiff or demandant may have costs, and the plaintiff or demandant, after appearance of the defendant or defendants, be non-suited, or a verdict happen to pass by any lawful trial against the plaintiff, &c., or demandant, &c., then the defendant or defendants shall have judgment to recover his costs.

9 W. III., c. 10.

The statute 9 Wm. III., c. 10, already referred to, gave the defendant as well as the plaintiff his costs on a judgment or demurrer.

3 & 4 Vic., c. 105, s. 59, corresponding with 3 & 4 W. IV., c. 42, s. 34, (Eng.)

And by 3 & 4 Vic., c. 105, s. 59, "Where judgment shall be given either for or against a plaintiff or demandant, or for or against a defendant or tenant upon any demurrer joined in any action whatever, the party in whose favour such judgment shall be given, shall have judgment to recover his costs."

The Statute 10 & 11 Car. I., c. 8, being held to apply only to the case in which all the defendants were successful, one of several defendants in an action of trespass could not, if successful, have recovered his costs previous to 9 Wm. III., c. 10. By that statute, sec. 1, one of several defendants, if successful, in an action of trespass, *vi et armis*, is declared entitled to his costs, as if a verdict had been given for all the defendants, unless the Judge certifies that there was reasonable cause for making such person a defendant.

9 W. III. c 10.

3 & 4 Vic., c. 105, s. 32, (Ir.), corresponding with 3 & 4 W. IV. c. 42, (Eng.)

This section having been held not to include actions on the case or of replevin by 3 & 4 Vic., c. 105, s. 32 (Ir.), corresponding with 3 & 4 Wm. IV., c. 42 (Eng.), this right was extended to one or more of several defendants in *any* personal action where a *nolle prosequi* is entered, or where he obtains a verdict, unless the Judge gives a like certificate.

In actions for the infringement of patents the defendant's right to costs is subject to the same exception as has been stated in relation to the plaintiff (I. h.)

Statement of Mr. Jellett.

3. *Costs where there are several issues and the action has proceeded to issue, and been decided on the merits, whether of law or fact.*

The law on the subject cannot be stated more concisely than in the language of the two sections of the Common Law Procedure Act (Ireland), 1853, by which it is now regulated.

C.L.P.A., 1853, s. 51.

By sec. 57 of that statute it is provided that the plaintiff in any action may, by leave of the Court or a Judge, plead in answer to the defence or the subsequent pleading of the defendant, as many several matters as he shall think necessary to sustain his action, and the defendant in any action may, by leave of the Court or a Judge, plead in answer to the summons and plaint or other subsequent pleading of the plaintiff as many several matters as he shall think necessary for his defence.

S. 90.

And by sec. 90 it is provided that the *costs* of every issue, whether of fact or law, shall follow the finding or judgment upon such issue, and be adjudged to the successful party, whatever may be the result of the other issues; and the *costs* of all issues found for the defendant shall be deducted from the plaintiff's *costs*, if the defendant shall proceed with due diligence to tax the same; and the *costs* of all issues found for the plaintiff shall be deducted from the defendant's *costs*, if the plaintiff shall proceed with due diligence to tax the same; and if the said *costs* so to be deducted shall not in either case be taxed in time for the purpose of deducting the same from the *costs* of the opposite party, they shall be separately recoverable by execution when taxed and ascertained.

Costs upon arrest of judgment, and judgment non obstante veredicto.

C.L.P.A., 1853 (Ir.), s. 163, corresponding with C.L.P.A., 1852, (Eng.), ss. 50 and 143.

In reference to costs upon arrest of judgment, or judgment *non obstante veredicto*, it is provided by the Common Law Procedure Act, 1853 (Ir.), s. 163, that no judgment shall be arrested, nor shall judgment be given *non obstante veredicto*, by reason of the non-averment of any alleged material fact or other cause, unless the party insisting upon the objection shall satisfy the Court that there has been an omission of some substantial matter of fact whereby the said party may have been prejudiced in the merits of his case; and in such case the party whose pleading is alleged or adjudged to be therein defective may, by leave of the Court, suggest the existence of the omitted fact or facts, or other matter, which, if true, would remedy the alleged defect; and such suggestion may be pleaded to by the opposite party within eight days after notice thereof, or such time as the Court or a Judge may allow; and the proceeding to trial of any issue joined on such suggestion shall be the same as in an ordinary action.

C.L.P.A., 1853, (Ir.), s. 164, corresponding with C.L.P.A., 1852, (Eng.), s. 144.

By sec. 164: If the fact suggested be admitted or found to be true, the party suggesting shall be entitled to the like judgment as he would have been entitled to if such facts or allegations had been originally stated in the pleading, and proved or admitted at the trial, together with the *costs* of and occasioned by the suggestion and proceeding thereon; but if such fact or facts be found to be untrue, the opposite party shall be entitled to his *costs* of and occasioned by the suggestion and proceeding thereon, in addition to any other *costs* to which he may be entitled.

By sec. 165: Upon an arrest of judgment, or judgment *non obstante veredicto*, the Court shall adjudge to the party against whom such judgment is given the *costs* occasioned by the trial of any issues of fact arising out of the pleading for defect of which such judgment is given upon which such party shall have succeeded; and such *costs* shall be set off against any money or *costs* adjudged to the opposite party, and execution may issue for the balance, if any.

4. *Costs where a New Trial is granted.*

By the Common Law Procedure Act (Ir.), 1856, sec. 50, when a new trial is granted, on the ground that the verdict was against evidence, the *costs* of the first trial shall abide the event, unless the Court otherwise orders.

And by sec. 49, which corresponds with the Common Law Procedure Act, 1856, (Eng.), sec. 43, if error be brought upon an award of a *venire de novo*, and the judgment affirmed, the Court may award *costs* to the defendant in error.

Secondly—Where an Action is terminated before Verdict.

By the Common Law Procedure Act, (Ir.), 1853, sec. 38, it is provided that in case the plaintiff shall neglect to file the original or duplicate summons and plaint, or copy thereof, within two months after the service thereof on the defendant, unless the time for filing such summons and plaint shall have been extended, such defendant may, on an affidavit of the service thereof and a certificate of no summons and plaint, or copy, filed, enter a rule that the plaintiff do file his summons and plaint within four days after the service thereof, or pay to the defendant such sum as shall be fixed by the taxing officer, subject to the approval of the three Chief Judges of the said Courts, as and for his *costs* occasioned by being served with such summons and plaint, and such order shall be in lieu and stead and have the effect of a judgment of *non pros* for not declaring; and in case the plaintiff shall, after the entry of such rule, file his summons and plaint, or copy, he shall pay to the defendant his *costs* occasioned thereby, upon demand, not exceeding the sum of one pound, or in default thereof, the defendant may obtain a rule for the payment of such sum, and the costs of such rule.

In replevin the plaintiff is bound under Common Law Procedure Act (Ir.), 1856, to file the summons and plaint within ten days after service of the writ, in default of which the defendant may enter a rule under the above section of the Common Law Procedure Act (Ir.), 1853.

By rule 66, January, 1854, at any time before verdict found on demurrer, argued on writ of inquiry executed, the plaintiff may obtain a side bar rule as of course for liberty to discontinue on paying the defendant his *costs* in the cause when taxed.

By the Common Law Procedure Act (Ir.), 1853, sec. 222, the plaintiff in ejectment may discontinue the action as to one or more of the defendants by giving a notice of discontinuance, and thereupon the defendant to whom such notice is given may forthwith sign judgment for *costs*.

By 3 & 4 Vic., c. 105, s. 58, where any *nolle prosequi* shall have been entered upon any count, or as to part of any declaration, the defendant shall be entitled to, and have judgment for, and recover his reasonable *costs* in that behalf.

The section of this statute which gives costs on a *nolle prosequi* against one or more defendants will be found stated above, see page 212.

By the Common Law Procedure Act, (Ir.), 1853, sec. 75, a defendant, or one or more of several defendants, may in the class actions there enumerated pay a sum of money into Court in discharge of the plaintiff's claim or upon a defence of tender.

And by sec. 77, in case the plaintiff shall accept the amount lodged in full satisfaction of his demand, the receipt for the money given to the master shall state that it has been so accepted, and the plaintiff's *costs* of suit shall be taxed and ascertained by the proper officer; and in case of non-payment thereof within forty-eight hours after taxation and demand the plaintiff shall be at liberty to enter a peremptory order for payment of his *costs* of suit so taxed, and for such further sum as shall be fixed by the taxing officer, subject to the approval of the three Chief Judges of the said Courts, as and for his costs of obtaining such order.

And by sec. 74, in case the plaintiff declines to accept the sum paid into Court, the sufficiency of the payment shall be tried upon the issue raised by the said defence, and in case the issue is found for the defendant the defendant is entitled to judgment and his *costs* of suit.

By 49 General Order, January, 1854, where money is lodged in Court on a plea of tender, and the plaintiff is willing to accept it in full satisfaction of the demand with respect to which the tender is made, the defendant shall be entitled to his *costs* of suit, so far as relates to the demand, the same to be deducted from the amount of the lodgment, and the plaintiff shall only be entitled to draw the balance, and if the sum so lodged be insufficient to answer the defendant's *costs* the defendant shall be entitled to an order for the payment of the balance.

By the Common Law Procedure Act, (Ir.), 1853, sec. 106, in case the plaintiff makes default in proceeding to trial within three terms after issue joined, the defendant may enter a rule that the plaintiff proceed to trial at the Assizes or sittings next after the expiration of twenty days from the date of the rule, and in default of the plaintiff so doing, the defendant may enter a peremptory order for the payment of his *costs of suit*.

The practice on this subject has been already discussed above, see page 4.

The provisions on this subject are identical in the two countries; sec. 158 of the Common Law Procedure Act (Ir.), 1853, corresponding with sec. 138 of Common Law Procedure Act, 1852; and sec. 93 of the Common Law Procedure Act, (Ir.), 1853, corresponding with sec. 92 of the Common Law Procedure Act, 1854.

Thirdly.—Costs of different steps in an Action.

It has been already observed that costs are awarded on interlocutory matters arising in the course of the suit, and that they are in most cases regulated by the discretion of the Court or Judge on the hearing. It would far exceed the limits assigned to the present statement to discuss the various statutory provisions under which such a discretionary power is intrusted to the Court or

Common Law Costs, Ireland.

Statement of Mr. Jellett.

3. Nolle prosequi. 3 & 4 Vic. c. 105, s. 58, corresponds with 3 & 4 W. IV. c. 42, s. 33, (Eng.)

4. By payment into Court on plea to further maintenance of the suit.

On plea of tender.

5. By default in not proceeding to trial. C. L. P. A., 1853, s. 106, corresponds with C. L. P. A., 1852, s. 101.

6. By default.

7. By death.

COMMON LAW COSTS, IRELAND.

Statement of Mr. Jellett.

Judge, or the various circumstances which influence them in the exercise of this discretion. It is not proposed, in the present statement, to discuss the question of interlocutory costs, except in so far as the right to costs upon such interlocutory proceedings is regulated by *fixed* rules, which are established by statute or by the general orders of the Court.

Misjoinder and nonjoinder.

By the Common Law Procedure Act, 1853, the nonjoinder of any person as a party, plaintiff or defendant, or the misjoinder or misnomer of any party, may be pointed out by either party by notice before the trial, and such notice may be followed by a summary application to the Court or a judge in respect thereof; upon which application the said Court or a Judge may make such order therein, and touching the costs thereof, as shall seem to be just.

C.L.P.A., 1853, s. 90.

And by sec. 90, in all cases after such notice of objection or plea in abatement in respect of the nonjoinder of a party as defendant, and amendment in pursuance thereof, if it shall appear upon the trial of the action that the person or persons so named in such notice was or were jointly liable with the original defendant or defendants, the original defendant or defendants shall be entitled, as against the plaintiff, to the *costs* of such notice and amendment; but if at such trial it shall appear that the original defendant or any of the original defendants is or are liable, but that one or more of the persons named in such notice is or are not liable as a contracting party or parties, the plaintiff shall nevertheless be entitled to judgment against the other defendant or defendants who shall appear to be liable, and every defendant who is not so liable shall have judgment, and shall be entitled to his *costs* as against the plaintiff, who shall be allowed the same, together with the *costs* of the notice and amendment, as *costs* in the cause against the orginal defendant or defendants who shall have so objected to the nonjoinder of such person; provided always, that any such defendant who shall have so objected shall be at liberty on the trial to adduce evidence of the liability of the defendants named by him in such notice.

2. Proofs of documents.

By the Common Law Procedure Act, 1853, either party may call on the other party by notice to admit any document, or a copy thereof, saving all just exceptions; and in case of refusal or neglect to admit within a reasonable time, the *costs* of proving the document or copy shall be paid by the party so neglecting or refusing, whatever the result of the cause may be, unless at the trial the Judge shall certify that the refusal to admit was reasonable; and no *costs* of proving any document or copy shall be allowed, unless such notice be given, except in cases where the omission to give the notice is in the opinion of the taxing master a saving of expense.

3. Costs of unnecessary witnesses.

And by 100 General Order, January, 1854, the Judge at *nisi prius* may, if he shall think fit, certify on the back of the record, at the trial, that in his opinion any particular witness produced at either side was unnecessary; and in the taxation of *costs* the expense of such witness shall not be allowed against the opposite party.

4. Examination of witnesses under 3 & 4 Vic. c. 105, corresponds with 1 Wm. IV. c. 22, s. 9.

By 3 & 4 Vic., c. 105, sec. 74, the costs of every rule or order to be made for the examination of witnesses under any commission or otherwise, by virtue of that Act, and of the proceedings thereupon, shall (except the costs in certain cases thereinbefore provided for, and which are in the discretion of the Court) be costs in the cause, unless otherwise directed by the Judge making the rule or order, or by the Judge before whom the cause may be tried, or by the Court.

COMMON LAW COSTS, IRELAND.

Statement of Mr. Jellett.

The costs of inspection of documents, under 14 & 15 Vic., c. 99, s. 6, are paid by the party seeking the inspection. The costs of the application are costs in the cause of the party applying (see Hill *v.* Phelps, 21 I. J. N. S., Ex. 82).

5. Inspection of documents under 14 & 15 Vic. c. 99.

6. Costs of Special Juries, 3 & 4 Wm. IV. c. 91, s. 27, (Ir.), corresponds with 6 Geo. IV. c. 60, (Eng.) & 3 & 4 Wm. IV. c. 42, s. 35, (Eng.)

The rule as to the costs of special juries is the same in England as in Ireland, that is to say, the party who obtains a special jury, though successful in the cause, is bound to bear all expenses attendant on the trial by special jury, unless the Judge before whom the cause is tried certify on the back of the record that the case was proper to be tried by a special jury, in which case the costs become costs in the cause. The Act in force in Ireland upon this subject is the 3 & 4 Wm. IV., c. 91.

7. Costs of the day. C.L.P.A., 1853, s. 105, corresponds with C.L.P.A. 1852, s. 99.

By the Common Law Procedure Act (Ir.), 1853, s. 105, a rule for costs of the day for not proceeding to trial pursuant to notice, or not countermanding in sufficient time, may be drawn up on affidavit without motion, within one month after the day of trial or inquiry; and if such rule be not entered within that period, such costs shall be costs in the cause.

8. Arrest of defendant, 3 & 4 Vic. c. 105, s. 2 corresponds with 1 & 2 Vic. c. 110, ss. 3, 4.

By 3 & 4 Vic., c. 105, s. 2, a plaintiff is empowered in any action in which the defendant was then liable to arrest, when the cause of action amounts to twenty pounds or upwards, to apply at any time after the commencement of the action, and before final judgment, for a Judge's order to hold the defendant to bail if he is about to quit Ireland, and thereupon to issue a writ *capias*.

And by sec. 3, the defendant shall remain in custody until he shall have given a bail-bond to the Sheriff, or shall have made a deposit of the sum endorsed on such writ together with *ten pounds for costs*.

Bail.

By 25 General Order, January, 1854, no bail-bond shall be put in suit until after the expiration of eight days, exclusive of the return day of the *capias;* and in case of several actions on the bail-bond, proceedings may be restricted to one action *on payment of costs*, unless sufficient reason be shown for proceeding in more actions than one.

And by 30 General Order, January, 1854, when the plaintiff shall proceed by action or by *scire facias* against bail to the action, the bail shall be at liberty to render their principal at any time within the time for the filing of their appearance and defence in such action or *scire facias*, but not at any later period; and on such render being duly made, and notice thereof given, the proceedings shall be stayed on payment of the *costs* of the process or *scire facias* and the service thereof only.

Power to direct payment of sum in gross, in lieu of taxed costs, C.L.P.A. 1853, s. 193.

It should be mentioned, that under the Common Law Procedure Act, 1853, s. 193, in cases of interlocutory applications, the Court or Judge has power to direct a sum in gross to be paid in lieu of taxed costs, and to direct by and to whom such sum in gross shall be paid.

FOURTHLY.—COSTS IN PARTICULAR ACTIONS, AND PROCEEDINGS IN AN ACTION.

1. *Ejectment.*

The plaintiff in ejectment is entitled upon a verdict to his costs of suit, under the Common Law Procedure Act, 1853, s. 207; and the defendant under sec. 208 of the same statute.

COMMON LAW COSTS, IRELAND.

And by sec. 227 all other provisions of that Act are extended to ejectments *mutatis mutandis*, unless where the same shall not be applicable, or where the subject-matter thereof shall have been otherwise therein provided for.

Statement of Mr. Jellett.

And by the Common Law Procedure Act, 1856, (Ir.), s. 95, if any person shall bring an action of ejectment after a prior action of ejectment for the same premises has been unsuccessfully brought by such person, or any person through whom he claims against the same defendant, or any person through whom he defends, the Court or a Judge may, on the application of the defendant, at any time order that the defendant shall give security for costs, and that further proceedings be stayed until such security be given, whether the prior action has been or shall have been disposed, by discontinuance, or by nonsuit, or by judgment for the defendant.

C.L.P.A., 1856, s. 95, corresponds with C.L.P.A., 1852, s. 98.

And by 23 & 24 Vic., c. 154, in case of an ejectment by a landlord against an overholding tenant, the defendant may be ordered to enter into security for the mesne rates and *costs* in the action.

23 & 24 Vic., c. 154, s. 75.

2. *Replevin.*

The action of replevin is one in which the plaintiff is entitled to judgment for costs under the Statute of Gloucester, and which is excepted from the operation of the sections of the Common Law Procedure Act, 1853, and the Common Law Procedure Act, 1856. The result is that a judgment for the plaintiff in replevin carries with it a right to the full costs of suit.

3. *Real Actions.*

As the Statute of Gloucester did not extend to cases where no damages were recoverable at common law or by the provisions of the statute, costs were not recoverable in real actions.

Dower *unde nihil habet*.

In dower *unde nihil habet* damages being recoverable under the Statute of Merton, (20 Hen. III., c. 1), costs follow under the Statute of Gloucester.

Quare impedit.

And by 4 & 5 Wm. IV., c. 39, in writs and actions of *quare impedit* brought after the passing of the Act, the plaintiff shall, upon verdict for him, in addition to damages, have judgment for full costs.

4 & 5 Wm. IV., c. 39.

And in case of discontinuance, nonsuit, or verdict against the plaintiff, the defendant shall have costs; and no costs shall be given against any ecclesiastical patron or incumbent, if the Court certify that there was probable cause for the defence, but no previous presentation or collation shall be deemed such cause.

4. *Actions relating to Patents.*

The provisions of the Patent Law Amendment Act, 1852, 15 & 16 Vic., c. 83, s. 43, which is an imperial statute, will be found stated at p. 3.

15 & 16 Vic., c. 83, s. 43, (Imp.)

5. *Costs of Proceedings by Scire Facias and Revivor.*

No damages being recoverable in *scire facias* no costs could follow on a judgment in *scire facias* under the Statute of Gloucester.

By 9 Wm. III., c. 10, s. 3, it is enacted "that if any person or persons shall, &c., sue forth any writ or writs of *scire facias*, &c., and recover and have judgment in the same, either by verdict or upon demurrer, every such plaintiff or plaintiffs so recovering shall likewise recover his and their costs of suit; and if the plaintiff is nonsuit, or a verdict or verdicts pass against him or them, the defendant shall recover costs in like manner.

9 Wm. III., c. 10, s. 3., (Ir.), corresponds with 8 & 9 W. III., c. 11, (Eng.)

By 5 Geo. II., c. 4, s. 7, (Ir.), this provision is extended to the case of a plaintiff recovering on a plea of *nul tiel* record.

5 Geo. II. c. 4, s. 7.

The Act of Wm. III., c. 10, not extending to the case of executors or administrators, and the rights of such persons as defendants being in terms preserved by the third section of that Act, the 3 & 4 Vic., c. 105, s. 56, renders executors and administrators liable to costs in all actions.

And by 3 & 4 Vic., c. 105, s. 59, it is provided that in all writs of *scire facias* the plaintiff obtaining judgment by default shall recover his costs as well as upon a judgment, after plea pleaded or demurrer joined.

3 & 4 Vic., c. 105, s. 59, corresponds with 3 & 4 Wm. IV., c. 42, s. 34.

By the Common Law Procedure Act, 1853, s. 149, (Ir.), where it becomes necessary to revive a judgment, a party may sue out a writ of revivor or apply to the Court or Judge for leave to enter a suggestion upon the roll, that such party is entitled to execution, and thereupon to issue execution.

C.L.P.A. 1853, s. 149.

And by sec. 130, upon such application in case it manifestly appears that the party making the same is entitled to execution, the Court or Judge may order whether or not the costs of the application shall be paid to the party making the same; and in case the said costs shall be so ordered they shall be costs in the cause.

s. 130.

And by sec. 131, the rights of the parties respectively as to costs in cases of writs of revivor shall be the same as in an ordinary action.

s. 131.

6. *Costs of feigned Issues—Interpleaders.*

Where a feigned issue is directed by the Court itself, the rule is that costs follow the result, unless in directing the issue the Court has put the parties under terms to submit the right to costs to the discretion of the Court.

The costs of an issue from a court of equity are not, as in an issue directed by a court of law, a matter of absolute right, but are in the discretion of the Court which has directed the issue. In cases arising under the Interpleader Act (9 & 10 Vic., c. 64) the costs are in the discretion of the Court, as provided by the corresponding English Act, 1 & 2 Wm. IV., c. 58, and are usually directed to follow the result.

9 & 10 Vic., c. 64, (Ir.), corresponds with 1 & 2 Wm IV., c. 58, (Eng.)

As a general rule in interpleader proceedings at the instance of a sheriff, he abides his own costs of the order.

7. *Summary Procedure on Bills of Exchange Act.*

By sec. 1 of the Summary Procedure upon Bills of Exchange Act, Ireland, 1861, in actions upon bills of exchange or promissory notes, such as are mentioned in the Act, in case the defendant does not obtain liberty to appear and defend, judgment may be marked for the sum claimed, with interest, and a fixed sum for *costs*.

8. *Costs of Proceedings in Error.*

By 9 Wm. III. c. 10, sec 2, it is provided that if any person against whom judgment shall be given as therein mentioned, shall, in delay of execution thereupon, and with intent to annul such judgment, sue forth any writ of error, and afterwards the judgment shall be affirmed, or the said writ of error discontinued, or the plaintiff therein become

9 W. III., c. 10, s. 2, (Ir.), corresponds with 8 & 9 W. III., c. 11, (Eng.)

COMMON LAW COSTS, IRELAND. — Statement of Mr. Jellett.

nonsuit, that then and in every such case the party or parties against whom such writ shall be brought shall recover his costs and damages at the discretion of the Justices before whom such writ shall be sued, and have execution for such their damages and costs so recovered by writs of *ca sa*, *fi fa*, or *elegit*.

6 Ann, c. 10, s. 22, (Ir.), corresponds with 4 Ann, c. 16, s. 25.

And 6 Ann, c. 10, sec. 22, (Ir.), upon the quashing of any writ of error for variance from the original record or other defect, the defendants in such error shall recover against the plaintiff suing out such writs his costs as he should have had if the judgment had been affirmed, and to be recovered in the same manner.

C.L.P.A., 1853, (Ir.), s. 169, corresponds with C.L.P.A., 1852, s. 148.

By the Common Law Procedure Act, 1853, (Ir.), sec. 169, the proceeding to error is made a step in the cause; and by 201 General Order, January, 1854, the costs of proceedings in error are taxed and allowed as costs in the cause.

s. 180.

By sec. 180, the plaintiff in error, whether in fact or law, is at liberty to discontinue, by giving to the defendant in error a notice stating he discontinues, and thereupon the defendant in error may sign judgment for the *costs* occasioned by the proceedings in error.

By 200 General Order, January, 1854, it is provided, that in no case shall error be brought for any error in a judgment with respect to costs only until after application to the Court in which such judgment may have been given to amend the judgment in that respect.

C.L.P.A., 1856, (Ir.), s. 49, corresponds with C.L.P.A., 1854, s. 43.

By the Common Law Procedure Act, 1856, (Ir.), sec. 49, upon an award of a trial *de novo* by any one of the Superior Courts, or the Court of Exchequer Chamber, upon matter appearing upon the record, error may at once be brought; and if the judgment in such or any other case be affirmed in error, it shall be lawful for the Court of Error to adjudge *costs* to the defendant in error.

It may now be considered as a settled rule that where a judgment is reversed each party pays his own costs in error, but the prevailing party has his costs in the original action.

9. *Costs of Proceedings on Appeal.*

C.L.P.A., 1856, (Ir.), corresponds with C.L.P.A., 1854, ss. 34, 35, 38, 42.

The Common Law Procedure Act, 1856, (Ir.), ss. 40, 41, allows an appeal in certain cases, when the Court grants or refuses to grant a new trial, or enters a verdict or nonsuit.

By sec. 44, bail for costs must be given.

By sec. 48, the Court of Appeal has power to adjudge payment of *costs*, and to order restitution, and has the same power as the Court in which the record originated in respect of awarding process and otherwise.

13 & 14 Vic. c. 69, (Ir.)

By 13 & 14 Vic., c. 69, an appeal is given from the decision of the Chairmen of Counties, on the revision of the voting lists, to the Court of Exchequer Chamber.

And by sec. 83, "the Court may make such order respecting the payment of the costs of any appeal, or any part of such *costs* as to the Court shall seem meet: provided always that it shall not be lawful for the said Court in any case to make any order against or in favour of any respondent or person named as respondent as aforesaid, unless he shall appear before the said Court in support of the decision of the Chairman in question.

20 & 21 Vic., c. 43, s. 2.

By 20 & 21 Vic., c. 43, sec. 2, an appeal is given from the Court of Petit Sessions, on a case stated to one of the Superior Courts, and the Court is empowered to award *costs*.

10. *Costs upon special Cases under the Common Law Procedure Act.*

COMMON LAW COSTS IRELAND — Statement of Mr. Jellett.

By Common Law Procedure Act, 1853, (Ir.), sec. 92, the parties may, at any time after writ issued, and before judgment, by consent and order of a Judge, state any question for the opinion of the Court without any pleadings.

C.L.P.A., 1853, (Ir.), corresponds with C.L.P.A., 1854, ss. 46, 47,

And by sec. 93, the parties may enter into an agreement, which may be embodied in a Judge's order, as to the money to be paid, and as to the *costs* of the action.

And by sec. 95, in case no agreement is made as to the costs of the action, they shall follow the result.

11. *Costs of Proceedings for Attachment of Debt.*

C.L.P. 1856, (I s. 69, co respond with C.L.P. 1854, s.

By the Common Law Procedure Act, 1856, sec. 69, the costs of any application for an attachment of debt under that Act, and of any proceedings arising from or incidental to such application shall be in the discretion of the Court or a Judge.

12. *Costs of Proceedings for Mandamus under the Common Law Procedure Act*, 1856.

C.L.P. 1856, (I corres ponds with C.L.P. 1854, s 70, 74.

By the Common Law Procedure Act, 1856, (Ir.), sec. 72, the pleadings and other proceedings in any action in which a writ of mandamus is claimed shall be the same in all respects as nearly as may be, and *costs* shall be recoverable by either party as in an ordinary personal action.

And by sec. 76, the Court may, instead of proceeding by attachment, direct that the act required to be done may be done by the plaintiff, and may order payment of the amount of the expenses incurred in doing the act and *costs*.

13. *Costs of Proceedings for Injunction under the Common Law Procedure Act*, 1856.

C.L.P. 1856, (corres ponds with C.L.P. 1854, s

The proceedings in an action claiming an injunction are, by the Common Law Procedure Act, 1856, sec. 83, to be same as nearly as may be, and subject to the like control as the proceedings to obtain a mandamus under that Act.

FIFTHLY—COSTS WHERE PARTIES SUE OR ARE SUED IN ANY PARTICULAR CHARACTER.

1. *Actions by or against Executors.*

3 & 4 c. 10 (Ir.), respo with Wm. c. 32,

Previous to the 3 & 4 Vic. c. 105, s. 56, an executor or administrator bringing an action was exempt from the payment of costs in cases of failure, it being assumed that he was ignorant of the dealings of the deceased, and of the defences which might be made to the action. This rule, however, did not apply where he sued on a cause of action accruing to him as executor after the death of his testator, *e.g.*, a note made to him as executor, although it might constitute assets. By 3 & 4 Vic., c. 105, s. 56, executors or administrators are now made liable *to costs unless the Court otherwise order*, and it has been held that the power will not be exercised unless the action has failed from something in the nature of fraud, or active misrepresentation. In actions against executors or administrators, if the defence admits assets, or they be established, the judgment is to recover the debt and costs *de bonis testatoris* if sufficient; and if not, the costs *de bonis propriis*. If the executor pleads a defence the truth or falsehood of which he must necessarily then know, *e.g.*, *ne unques executor* or a release to

Common Law Costs, Ireland.

himself, the judgment is to recover both debt and costs, *de bonis testatoris, et si non de bonis propriis.*

Statement of Mr. Jellett.

By the Common Law Procedure Act, 1853, ss. 155 to 160, provision is made as to the right to and liability of executors and administrators to costs in actions continued after the death of the parties. And by ss. 182 to 187, provision is made in case of the death of either party in proceedings in error; and by ss. 212 to 220, provision is made in case of the death of parties in ejectment.

C.L.P.A., 1853, (Ir.)

2. *Actions relating to Bankrupts.*

20 & 21 Vic., c. 60, (Ir.), corresponds with 12 & 13 Vic., c. 106, (Eng.)

By 20 & 21 Vic., c. 60, the Irish Bankrupt and Insolvent Act, 1857, where a trader, against whom an affidavit of debt has been filed, shall be summoned to appear before the Court in which such affidavit is filed, every such creditor or trader shall have such costs as the Court in its discretion shall think fit; or the Court may direct the costs of either party of, or incident to, or attendant upon, such affidavit and summons, to abide the event of any action which shall have been brought, or shall thereafter be brought, for the recovery of such demand, or any part thereof; and in such case, such costs shall be costs in the cause, and recovered under the judgment and execution in the action, or the Court may make such order in relation to such costs as to the Court shall seem fit and just: provided that no costs shall be allowed under this section to any creditor who adopts the proceedings provided for by that Act, and proceeds by action at common law, for the same debt simultaneously.

And by sec. 262, a creditor who elects to relinquish an action by proving under the bankruptcy is not liable to the costs of the action so relinquished.

And by sec. 359—in certain actions therein mentioned no proof is required at the trial of the petitioning creditor's debt, or of the trading or act of bankruptcy unless a notice be given that such matters are disputed; and in the event of these matters being afterwards proved or admitted, the Judge before whom the cause is tried may grant a certificate of such proof or admission, and such assignees or other person shall be entitled to the costs occasioned by such notice.

C.L.P.A., 1853, (Ir.), corresponds with C.L.P.A., 1854, s. 142, (Eng.)

By the Common Law Procedure Act, 1853, sec. 162, the bankruptcy or insolvency of the plaintiff in any action which the assignees might maintain for the benefit of the creditors shall not be pleaded in bar to such action, unless the assignees shall decline to continue, and give security for the costs thereof, upon a Judge's order to be obtained for that purpose, within such reasonable time as the Judge may order, but the proceedings may be stayed until such election is made.

3. *Actions by Paupers.*

11 Hen. VII.

The right of poor persons to sue *in formâ pauperis* originated with the statute 11 Hen. VII., (extended to Ireland by the provisions of Poyning's Act), which provides that poor persons shall have, by the discretion of the Chancellor, writs original and writs of subpœna, according to the nature of their causes, without paying for the seals or for the writing of the writs. And the Justices shall assign counsel and attorneys "and all other officers requisite for the speed of the said suits, which shall do their duties without reward for their helps."

Common Law Costs, Ireland.

Statement of Mr. Jellett.

10 Car. I. sess. 2, c. 17, corresponds with 23 H. VIII., c. 15, (Eng.)

By 10 Car. I., sess. 2, c. 17, sec. 2, it is provided that all and every such poor person or persons being *plaintiff or plaintiffs* in any of the said actions, bills, or plaints which at the commencement of the suit or actions be admitted by the discretion of the Judge or Judges where such suits or actions shall be pursued or taken, to have their process and counsel of charity without any money or fee paying for the same, shall not be compelled to pay any *costs* by virtue and force of this statute, but shall suffer other punishment as by the discretion of the Justices or Judge before whom such suits shall depend shall be thought reasonable. It will be seen that the statute 11 Henry VII., enables only a *plaintiff* to sue *in formâ pauperis*, and that the statute 10 Car. I. only excepts pauper *plaintiffs* from costs. A defendant has no such privilege by *statute* as that of defending *in formâ pauperis.*

However, by 180 General Order, January, 1854, it is provided, that at any time before or after the commencement of an action, the Court may allow any party to sue or *defend in formâ pauperis*, and may likewise allow any party to remove into such Court any proceeding from an inferior court and prosecute or defend the same *in formâ pauperis.*

And by 182 General Order, January, 1854, in all cases not within the statute 10 Car. I., sess. 2, c. 17. s. 2, in case the Court shall think the conduct of a party suing or defending as a pauper vexatious or improper in any proceeding, it may order that he shall pay the *costs* of such proceeding, or that his proceedings be stayed until such *costs* shall have been paid.

So far as these orders purport to confer a right to defend *in formâ pauperis*, it may be doubted how far they are authorized by the sections of the Common Law Procedure Acts conferring on the Judges the right to make general rules.

Sixthly.—Costs in Proceedings against Persons protected by Statute.

There are numerous statutes, as well public as private, and local and personal, which make special provisions for the payment of costs, and the scale according to which such costs shall be taxed and paid. Such provisions are generally introduced for the protection of persons who are sued for acts done in a public or official capacity, and provide for the payment of costs under such circumstances, and according to such a scale, as will best afford a protection and indemnity to persons filling such positions. It would be useless, in such a statement as the present, to attempt to recapitulate the various enactments of this character which have been from time to time passed, at first by the Irish, and afterwards by the Imperial legislature. In the first place, such an enumeration would necessarily be imperfect. In the next place, the reasons which have led to these enactments are to be found in the special policy of the Acts in which they are contained, and consequently afford no general principle applicable to the law of costs.

Seventhly.—Costs in Proceedings other than Actions.

Mandamus.

19 Geo. II., c. 12, (Ir.), corresponds with 9 Ann, c. 20, (Eng.), & 11 Geo. I., c. 4, (Eng.)

Previous to the 19 Geo. II., c. 12, (Irish), the prosecutor in mandamus had no means of recovering the costs of his proceedings, except the costs of an action for a false return.

By the statute 19 Geo. II., c. 12, it is enacted, "that in proceedings by mandamus in relation to

COMMON LAW COSTS, IRELAND.

Statement of Mr. Jellett.

certain offices specified in that Act, it shall be lawful to and for the person and persons suing or prosecuting such writ of mandamus to plead or traverse all or any of the material facts contained within the said return, to which the person making the return shall reply, take issue, or demur, and such further proceedings shall be had thereon as if the person suing such writ had brought his action for a false return, and the issues on such proceedings are to be tried as issues in such action for a false return; and in case a verdict shall be found for a person suing the writ, or judgment given for him upon demurrer, or by *nil dicit*, or for want of a replication or other pleading, he shall recover his damages and *costs* as in such action on the case, such costs and damages to be levied by *capias ad satisfaciendum, fieri facias*, or elegit; and a peremptory writ of mandamus shall be granted without delay, &c.; and in case judgment shall be given for the person making such return to such writ, he shall recover his *costs* of suit, to be levied in manner aforesaid."

33 Geo. III., c. 38.

By 33 Geo. III., c. 38, persons entitled to be admitted as citizens, burgesses, freemen, &c., applying to the proper officer, and giving notice of the nature of their claim, and that if not admitted in one month they will apply for a mandamus, shall if admission be refused and the writ issue, and they be admitted in obedience to the writ, have all their *costs* from the officer, unless the Court see cause to the contrary.

7 Geo. IV., c. 21.

By 7 Geo. IV., c. 21, s. 2, the Court is empowered, in cases where a party can be admitted to office without the removal of any other person, to make an order accordingly, and may direct the payment of *costs* in case of refusal of admission after notice to the Mayor under 33 Geo. III., c. 38.

9 & 10 Vic., c. 113.

By 9 & 10 Vic., c. 113, the provisions of the 19 Geo. II. are extended to all writs of mandamus; and by sec. 5 the costs of every application for any writ of mandamus, whether the writ shall be granted or refused, and also the *costs of the writ*, if the same shall be issued and obeyed, are in the discretion of the Court, and the Court may direct by whom and to whom the same shall be paid; and by sec. 6 objections to the return are to be taken by demurrer, and *costs* are given to the successful party.

C.L.P.A., 1856, s. 79, corresponds with C.L.P.A., 1854, s. 77.

By the Common Law Procedure Act, 1856, s. 79, the provisions of the Common Law Procedure Acts, 1853 and 1856, are extended to the pleadings and proceedings upon a prerogative writ of mandamus.

Prohibition.

9 Wm. III., c. 11, corresponds with 8 & 9 Wm. III., c. 11, (Eng.)

By 9 Wm. III., c. 10, s. 3, if any person commence any suit in prohibition, and recover and have judgment in the same, either by verdict or upon demurrer, he shall likewise recover his *costs of suit;* and if the plaintiff shall become nonsuit, or a verdict shall pass against him, or he shall discontinue such suit, the defendant shall recover *his costs of suit.*

9 & 10 Vic., c. 113.

By 9 & 10 Vic., c. 113, s. 1, the provisions of the statute 1 Wm. IV., c. 21, (Eng.), are extended to Ireland.

Quo Warranto.

19 Geo. II., c. 12, corresponds with 9 Ann, c. 20, (Eng.)

By 19 Geo. II., c. 12, in case of any information in the nature of a *quo warranto* for usurping the offices of mayors, bailiffs, or other officers within cities, &c., being exhibited, and the person against whom it is exhibited being adjudged guilty of a usurpation, &c., the Court may, on a judgment of ouster, give judgment that the relator recover his *costs* of the prosecution, or if judgment be given for the defendant, that he have his costs against the relator.

COMMON LAW COSTS, IRELAND.

Statement of Mr. Jellett.

38 Geo. III., c. 2, corresponds with 32 Geo. III., c. 58, (Eng.)

By 38 Geo. III., c. 2, the defendant is empowered to plead singly, or with other pleas, a plea that he had first taken the office or, held it more than six years before the exhibiting of the information; and if upon the trial of such information, the issue on such plea is found for the defendant, he is entitled to *such costs* as he would have been entitled to if a verdict or judgment had been given for him upon the merits of his title.

And by sec. 2, the prosecutor may reply to such plea, forfeiture, surrender, or avoidance by the defendant, within six years, whereon the defendant may take issue and be entitled to costs in manner aforesaid.

Costs on Indictments, Orders, &c., removed by certiorari.

As an indictment, though carried on by an individual, is always considered as the suit of the Sovereign, and as the general principle at common law is that the Sovereign neither pays nor receives costs, the prosecutor and defendant must each in general bear all their own expenses in such cases.

8 Ann, c. 5, corresponds with 5 & 6 Wm. & M., c. 11, (Eng.)

By the 8 Ann, c. 5, it is enacted that if the defendant, prosecuting the writ of certiorari, be convicted of the offence for which he was indicted, then the Court of King's Bench shall give *reasonable costs* to the prosecutor, if he be the party grieved, or be a Justice of the Peace, mayor, bailiff, constable, headborough, tithingman, churchwarden, or overseer of the poor, or any other civil officer, and a remedy is given by attachment for the payment of such costs when taxed, and it is declared that the recognisance shall not be discharged until the costs are paid.

Criminal Informations.

6 & 7 Vic., c. 96.

By 6 & 7 Vic., c. 96, in the case of any indictment or information by a private prosecutor, for the publication of a defamatory libel, if judgment is given for the defendant, he may recover from the prosecutor the costs sustained by him by reason of such indictment or information; and upon a special plea of justification of the issue being found for the prosecutor, he may recover from the defendant the costs sustained by reason of such plea.

There is no statute in Ireland corresponding to the 4 & 5 Wm. and Mary, c. 51; but by a rule of the Court of Queen's Bench, 10th February, 1758, no information shall be received unless the prosecutor do first enter into a recognisance to prosecute such information; and by rule of the Queen's Bench, 31st January, 1783, upon applications for attachments, informations, or to answer affidavits charging misbehaviour, no order shall be made unless the attorney making the motion do enter a recognisance for payment of the costs, in case the Court should be of opinion the application was not well founded.

Costs in Revenue Suits and Proceedings.

18 & 19 Vic., c. 90.

The right to costs in this class of cases is now regulated by 18 & 19 Vic., c. 90, which is an Imperial statute, and in effect provides that in all informations, actions, suits, and other legal proceedings, before any Court, by or on behalf of the Crown,

against any corporation, &c., in respect of any lands, goods, sums of money, &c., belonging or accruing or due to the Crown, the Crown shall be entitled to recover costs where judgment is given as in proceedings between subject and subject.

And by sec. 2, the defendant, if successful, is entitled to costs against the Crown.

Proceedings under the Railway and Canal Traffic Act.

17 & 18 Vic., c. 31, s. 3.

By 17 & 18 Vic., c. 31, s. 3, power is given to the Court to compel companies to afford reasonable facilities for the forwarding of traffic, and to award costs to be paid by the complainant or the company.

EIGHTHLY.—GENERAL LAW AS TO COSTS ALTERED BY STATUTE.

5 & 6 Vic., c. 97.

Before the 5 & 6 Vic., c. 97, there were many Acts of Parliament, both public and local and personal, which gave double and treble costs; but by sec. 1 of that Act, so much of any Act commonly called public or local and personal, or in any Act of a local and personal nature, whereby it is enacted that either double or treble costs, or any other than the usual costs between party and party, may be recovered, is repealed, and in lieu thereof the usual costs between party and party may be recovered, and no more.

And sec. 2 enacts that so much of any enactment in any public Act, not local, whereby it is enacted that either double or treble costs, or any other than the usual costs between party and party, shall be recovered, is repealed, and instead of such costs the party or parties entitled under such last-mentioned Acts to such double, treble, or other costs, shall receive such full and reasonable indemnity as to all costs, charges, and expenses incurred in and about any action, suit, or other legal proceeding, as shall be taxed by the proper officer in that behalf, subject to be recovered in like manner and by the same authority as any other taxation of costs of such officer.

NINTHLY—TAXATION OF COSTS.

1 & 2 Geo. IV., c. 53.

By 1 & 2 Geo. IV., c. 53, two taxing masters were appointed, whose duties were to tax all costs from the three courts of common law, and who are deemed officers of the Court in which the particular business is done.

7 & 8 Vic., c. 107. 16 & 17 Vic., c. 55.

By 7 & 8 Vic., c. 107, and 16 & 17 Vic., c. 55, the office has been to a certain extent remodelled, and now consists of the principal taxing master and the assistant taxing master.

Duties of Taxing Officers.

By the latter Statute it is enacted that "the business of the said office shall be divided between the said officers as they shall from time to time find most expedient, subject, however, to the approbation of the Lord Chief Justice of Her Majesty's Court of Queen's Bench in Ireland, such distribution and arrangement to be reduced to writing, with the approval thereof by the said Lord Chief Justice under his hand; and if the said officers shall not agree to such distribution or arrangement, it shall and may be lawful for the Lord Chief Justice, by an order under his hand, to direct in what manner and proportion such business shall be divided between and transacted by the said two officers; and in all and every case where any party or person is dissatisfied or feels himself aggrieved by the decision of the assistant taxing officer, it shall and may be lawful for such party or person, *before the bill of costs shall be certified*, to bring the item, question, or other matter by way of appeal from the decision of the assistant officer before the principal officer, who shall with all convenient despatch dispose of the item, question, or other matter so brought before him on such appeal."

An appeal lies, after a bill of costs has been certified, to the Court in which the action is pending.

A schedule of costs is annexed to the General Orders of 11 January, 1854, and 1 and 3 February, 1854.

By 117 General Order, January, 1854, no set-off of damages or costs between parties shall be allowed to the prejudice of the attorney's lien in the particular suit against which the claim of set-off is made; provided, nevertheless, that interlocutory costs in the same suit awarded to the adverse party may in all cases be set off.

TENTHLY—MODE OF RECOVERING COSTS IN GENERAL.

When costs are taxed and certified, if they are final they might, even previous to the 3 & 4 Vic., c. 105, have been enforced by execution.

3 & 4 Vic., c. 105, s. 27, (Ir.), corresponds with 1 & 2 Vic., c. 110., s. 18.

And now by 3 & 4 Vic., c. 105, s. 27, all rules of any of the Superior Courts of Common Law whereby any sum of money, or any *costs*, charges, or expenses shall be payable to any person, shall have the effect of a judgment in the Superior Courts of Common Law, and the persons to whom any such costs are payable are deemed creditors within the meaning of the Act, and all remedies thereby given to judgment creditors are given to such persons.

13 & 14 Vic., c. 29, s. 6.

Orders for costs may also be enforced against the debtor's lands, by registering them as judgment mortgages under the provisions of the 13 & 14 Vic., c. 29. Costs, whether final or interlocutory, may also be enforced by attachment on personal service of a copy of the rule or interlocutory order, and of the certificate of taxation, and of the taxed costs. Upon an affidavit showing a demand, and compliance with the other terms above mentioned, an *absolute* order for an attachment may be obtained in the office.

(Signed) H. P. JELLETT.

V.—STATEMENT of Mr. HOLLAND upon the Subject of COSTS in the SUPERIOR COURTS of COMMON LAW in ENGLAND. [3rd November, 1864.]

COMMON LAW COSTS, ENGLAND.

Statement of Mr. Holland.

Statement of Mr. Holland.

IN accordance with the instructions given me to prepare "a statement of the law upon the "subject of Costs in the Superior Courts of "Common Law in England, with a view to "having the *Statutes* [in England and Ireland] "revised, consolidated, and assimilated," I beg respectfully to submit to Her Majesty's Commissioners the following statement of the law and practice as to costs in the Superior Courts, as regulated by Statute.

In preparing this statement I have made great use of Mr. Gray's excellent work on Costs, in which the whole subject is very fully discussed.

Costs may be classed under *two* heads "Interlocutory" and "Final."

Interlocutory costs

"*Interlocutory*" costs are given upon matters arising during the progress of an action. They are generally regulated by the discretion of the Court or Judge before whom such matters arise; and an equitable jurisdiction is exercised in granting or refusing them.

But for the purposes of this inquiry it will be more convenient to break up the subject into less general divisions, and I, therefore, propose to consider the question of Costs, under *ten* general heads.

First.—Where an action has proceeded to issue, and has been decided on the merits, whether of law or fact.

Secondly.—Where an action has terminated before verdict.

Thirdly.—The costs of different steps in an action.

Fourthly.—Costs in particular actions and proceedings.

Fifthly.—Costs where parties sue, or are sued, in a particular character.

Sixthly.—Costs in proceedings against persons protected by Statute.

Seventhly.—Costs in certain special proceedings, as mandamus, prohibition, &c.

Eighthly.—Double and treble costs, &c.

Ninthly.—Taxation of costs.

Tenthly.—Of the mode of recovering costs in general.

FIRST.—WHERE AN ACTION HAS PROCEEDED TO ISSUE, AND BEEN DECIDED ON THE MERITS, WHETHER OF LAW OR FACT.

It will be convenient to treat this first head under the following sub-divisions:—

1. On verdict for plaintiff.
2. On verdict for defendant.
3. On judgment on demurrer.
4. On judgment by default.
5. Where there are several issues.
6. Upon arrest of judgment, or judgment non obstante veredicto.
7. Upon new trial, or trial de novo.

1. *On Verdict for Plaintiff.*

1. On verdict for Plaintiff.

The principal Statutes which affect a plaintiff's right to costs are, the Statute of Gloucester (6 Edw. 1. c. 1.); 43 Eliz. c. 6. s. 2.; 21 Jac. 1. c. 16. s. 6.; 22 & 23 Car. 2. c. 9. s. 136; 8 & 9 Wm. 3. c. 11. s. 4.; 3 & 4 Vict. c 24. ss. 1–3; 15 & 16 Vict. c. 76. (C. L. P. Act, 1852); 17 & 18 Vict. c. 125. (C. L. P. Act, 1854); 23 & 24 Vict. c. 126. (C. L. P. Act, 1860); and the County Court Acts, 9 & 10 Vict. c. 95. s. 128; 13 & 14 Vict. c. 61. ss. 11 and 12; 15 & 16 Vict. c. 54. s. 4; and 19 & 20 Vict. c 108. s. 30.

Of these it may be observed generally, that the Acts subsequent to the Statute of Gloucester materially limit the right of the plaintiff to costs given him by that Statute—that 43 Eliz. c. 6. is repealed by 3 & 4 Vict. c. 24., so far as actions, formerly known as actions of trespass and trespass on the case, are concerned—that 21 Jac. 1. c. 16. is also partly repealed by 3 & 4 Vict. c. 24.—that 22 & 23 Car. 2. c. 9. is repealed by 3 & 4 Vict. c. 24. so far as relates to costs in personal actions; that 8 & 9 Will. 3. c. 11. s. 4., though not in terms repealed, is, in fact, rendered nugatory by 3 & 4 Vict. c. 24.*—and that 21 Jac. 1. c. 16. and 3 & 4 Vict. c. 24. are further affected by s. 34. of the C. L. P. Act, 1860 (23 & 24 Vict. c. 126.).

I propose to consider the position of a plaintiff, *first*, before the County Court Acts came into operation, with the view of illustrating the working of the earlier Acts; and, *secondly*, his position after those later Acts were passed.

The following are the sections of the earlier Acts which bear upon this point:—

By the Statute of Gloucester, s. 2., "the de- 6 Edw. 1. c. 1.
"mandant may recover against the tenant the
"*costs* of his writ purchased, together with the
"damages. And this Act shall hold place in all
"cases where the party is to recover damages."

By 43 Eliz. c. 6. s. 2., if, upon *any action* 43 Eliz. c. 6. s. 2.
personal to be brought in any of Her Majesty's Courts at Westminster, not being for any title or interest of lands, nor concerning the freehold or inheritance of any lands, nor for any battery, it shall appear to the Judges of the same Court, and so signified or set down by the Justices before whom the same shall be tried, that the debt or damages to be recovered therein in the same Court shall not amount to the sum of forty shillings as above, that in every such case the Judges and Justices before whom any such action shall be pursued, shall not award for *costs* to the plaintiff any greater or more costs than the sum of the debt or damages so recovered shall amount unto, but less, at their discretion.

By 21 Jac. 1. c. 16. s. 6., in all actions upon 21 Jac. 1. c. 16. s. 6.
the case for *slanderous words* to be used or prosecuted by any person or persons in any of the Courts of Record at Westminster, or in any Courts whatsoever that hath power to hold plea of the same, if the jury upon the trial of the issue in such action, or the jury that shall inquire of the damages, do find or assess the damages under forty shillings, then the plaintiff in such action shall have and recover only so much *costs* as the damages so given or assessed amount unto, without any further increase of the same.

By 22 & 23 Car. 2. c. 9. s. 136., in all actions 22 & 23 Car. 2. c. 9. s. 136.
of *trespass, assault and battery*, and *other personal actions*, wherein the Judge at the trial of the cause shall not find and certify under his hand, upon the back of the record, that an assault and battery was sufficiently proved by the plaintiff

* Bowyer v. Cook, 4 C. B. 236.

against the defendant; or that the freehold or title of the land mentioned in the plaintiff's declaration was chiefly in question, the plaintiff in such action, in case the jury shall find the damages to be under the value of forty shillings, shall not recover or obtain more *costs* of suit than the damages so found shall amount unto.

8 & 9 Will. 3. c. 11. s. 4.

By 8 & 9 Will. 3. c. 11. s. 4., in all actions of *trespass* in any of Her Majesty's Courts of Record, wherein at the trial the Judge certifies on the record that the trespass was wilful and malicious, the plaintiff shall recover, not only his damages, but his full *costs* of suit.

3 & 4 Vict. c. 24. s. 1.

By 3 & 4 Vict. c. 24. s. 1. the said Act of 43 Eliz., so far as it relates to costs in actions of trespass or trespass on the case, and so much of the 22 & 23 Car. 2. as relates to costs in personal actions, are repealed.

s. 2.

By sect. 2., if the plaintiff in any action of *trespass*, or of *trespass on the case*, brought or to be brought in any of Her Majesty's Courts at Westminster, or in the Court of Common Pleas at Lancaster, or in the Court of Common Pleas at Durham, shall recover by the verdict of a jury less damages than forty shillings, such plaintiff shall not be entitled to recover or obtain from the defendant, in respect of such verdict, any *costs* whatever, whether it shall be given upon any issue or issues tried, or judgment shall have passed by default, unless the Judge or presiding officer before whom such verdict shall be obtained shall immediately afterwards certify on the back of the record, or on the writ of trial or writ of inquiry, that the action was really brought to try a right besides the mere right to recover damages for the trespass or grievance for which the action shall have been brought, or that the trespass or grievance in respect of which the action was brought was wilful and malicious.

s. 3.

By sect. 3., nothing herein contained shall extend or be construed to extend to deprive any plaintiffs of costs in any action or actions brought for a trespass or trespasses over any lands, commons, wastes, closes, woods, plantations, or inclosures, or for entering into any dwellings, outbuildings, or premises in respect of which any notice not to trespass thereon or therein shall have been previously served, by or on behalf of the owner or occupier of the land trespassed over, upon or left at the last reputed or known place of abode of the defendant or defendants in such action or actions.

The position then of a plaintiff, *without reference to the County Court Acts*, is as follows:—

6 Edw. 1. c. 1.

The Statute of Gloucester is the foundation of the plaintiff's right to recover costs; and by that Statute he is entitled to costs in all cases where he was entitled to damages antecedent to, or by the provisions of that Statute. But this right has been limited by the following Acts:—

Actions on contract. 43 Eliz. c. 6. s. 2.

In all actions on *contract*, and in actions in *detinue* and *replevin*, if the verdict be for less than 40*s.* the Judge may certify to deprive the plaintiff of costs, if he thinks fit (43 Eliz. c. 6. s. 2.).

This Act does not extend to an assessment of damages under a writ of inquiry, nor to a judgment by default, nor to a trial before the Sheriff.

The certificate may be granted at any time after the trial and before final judgment is signed.

Slander. 21 Jac. 1. c. 16.

In actions for *slanderous words* merely, if the plaintiff recovers by the verdict of a jury less than 40*s.*, he can have no more costs than damages; and the Judge has no power to certify to give him costs (21 Jac. 1. c. 16.).

This Act does not extend to cases where the words are actionable only by reason of special damage, nor to slander of title, nor to libel. Such actions fall under 3 & 4 Vict. c. 24., and in them a Judge may certify to give the plaintiff costs The effect of such certificate is to remit the plaintiff to his rights under 21 Jac. 1. c. 16.*

The position of the plaintiff under this Act is not affected by the County Court Acts.

Actions on Tort. 3 & 4 Vict. c. 24.

In other actions on *tort*, if the plaintiff recovers by the verdict of a jury less than 40*s.*, he can have no costs whatever, unless the Judge or other presiding officer certifies that the action was brought to try a right besides the mere right to recover damages for the trespass or grievance; or that the trespass or grievance was wilful and malicious; *or*, unless it be suggested on the record,† that the action was for a trespass over lands, &c. after notice given not to trespass (3 & 4 Vict. c. 24. ss. 2 & 3).

This Act does not apply to judgment on demurrer,‡ or an inquiry consequent thereon; therefore, if a plaintiff obtains judgment on demurrer in trespass, and recovers less than 40*s.* damages on a writ of inquiry thereon, he is entitled to the costs of the cause, though the Judge does not certify. The Act requires in terms that the certificate shall be granted immediately, but it has been held that this means "within a reasonable "time" after the verdict.§

County Court Acts.

But a great change was effected by the County Court Acts [9 & 10 Vict. c. 95.; 13 & 14 Vict. c. 61.; 15 & 16 Vict. c. 54.; 19 & 20 Vict. c. 108].; and the following are the material sections of those Acts.

9 & 10 Vict. c. 95.

The first Act defined the jurisdiction of the County Courts by sections 58 and 128.

s. 129.

By section 129, if any action shall be commenced after the passing of this Act, in any of Her Majesty's Superior Courts of Record for any cause other than those lastly herein-before specified, for which a plaint might have been entered in any Court holden under this Act, and a verdict shall be found for the plaintiff for a sum less than 20*l.*, if the said action is founded on contract, or less than 5*l.* if it be founded on tort, the said plaintiff shall have judgment to recover such sum only, and no *costs*; and if a verdict shall not be found for the plaintiff, the defendant shall be entitled to his *costs* as between attorney and client, unless in either case the Judge who shall try the cause shall certify on the back of the record, that the action was fit to be brought in such Superior Court.

13 & 14 Vict. c. 61. s. 1.

By 13 & 14 Vict. c. 61. s. 1, the jurisdiction of the County Courts was extended to the recovery of debts, damages, or demands not exceeding the sum of 50*l.*

s. 11.

By section 11, if in any action in any of Her Majesty's Superior Courts of Record, in covenant, debt, detinue, or assumpsit, not being an action for breach of promise of marriage, the plaintiff shall recover a sum not exceeding 20*l.*; or, if in any action in any of Her Majesty's Superior Courts of Record, in trespass, trover, or case, not being an action for malicious prosecution, or for libel, or for slander, or for criminal conversation,

* Evans *v.* Rees, 30 L. J. C. P. 16.
† Bowyer *v.* Cook, 4 C. B. 236.
‡ Taylor *v.* Rolf, 5 Q. B. 387.
§ 8 M. and W. 281. 677.

or for seduction, the plaintiff shall recover a sum not exceeding 5*l.*, the plaintiff shall have judgment to recover such sum only, and no *costs*, except in the cases herein-after provided, and except in the case of a judgment by default; and it shall not be necessary to enter any suggestion on the record to deprive such plaintiff of *costs*, nor shall any such plaintiff be entitled to costs by reason of any privilege as attorney or officer of such Court or otherwise.

s. 12. By section 12., if the plaintiff shall in any such action as aforesaid recover a sum less than the sum in that behalf herein-before mentioned, by verdict, and the Judge or other presiding officer before whom such verdict shall be obtained shall certify on the back of the record that it appeared to him at the trial that the cause of action was one for which a plaint could not have been entered in any such County Court as aforesaid, or that it appeared to him at the trial that there was a sufficient reason for bringing the said action in the Court in which the said action was brought, the plaintiff in such case shall have the same judgment to recover his *costs* that he would have had if this Act had not been passed.

15 & 16 Vict. c. 54. s. 4. By 15 & 16 Vict. c. 54. s. 4. section 13 of 13 & 14 Vict. c. 61. is repealed; and in any action in which the plaintiff shall not be entitled to recover his *costs* by reason of the 11th section of such Act, whether there be a verdict in such action or not, if the plaintiff shall make it appear to the satisfaction of the Court in which such action was brought, or to the satisfaction of a Judge at Chambers, upon summons, that such action was brought for a cause in which concurrent jurisdiction is given to the Superior Courts by sect. 128 of 9 & 10 Vict. c. 95., or for which no plaint could have been entered in any such County Courts, or that such action was removed from a County Court by certiorari, or that there was sufficient reason for bringing such action in the Court in which such action was brought, then and in any of such cases the Court in which such action is brought, or the said Judge at Chambers, shall thereupon by rule or order direct that the plaintiff shall recover his *costs;* and thereupon the plaintiff shall have the same judgment to recover his costs that he would have had if 13 & 14 Vict. c. 61. had not been passed.

19 & 20 Vict. c. 108. s. 30. By 19 & 20 Vict. c. 108. s. 30, where an action of contract is brought in one of Her Majesty's Superior Courts of Record to recover a sum not exceeding 20*l.*, and the defendant in the action suffers judgment by default, the plaintiff shall recover no *costs*, unless upon an application to such Court, or to a Judge of one of the Superior Courts, such Court or Judge shall otherwise direct.

The position of a plaintiff then, since these Acts, is as follows:—

1. Actions of Contract. In all actions of *contract* (except breach of promise of marriage) and in *detinue*, where the plaintiff recovers a sum not exceeding 20*l.*, he gets no costs, unless he obtain from the Judge or other presiding officer who tries the cause a certificate under 13 & 14 Vict. c. 61. s. 12., "that it "appeared to him at the trial that the cause of "action was one for which a plaint could not "have been entered in the County Court, or that "there was a sufficient reason for bringing the "action in the Court in which it was brought," or an order under 15 & 16 Vict. c. 54. s. 4.

It is compulsory upon the Court or a Judge to make this latter order, if the plaintiff makes it appear to the satisfaction of such Court or Judge that the action was brought for a cause in which concurrent jurisdiction is given to the Superior Courts by 9 & 10 Vict. c. 95. s. 128, or for which no plaint could have been entered in any County Court, or that such action was removed by certiorari from a County Court, or that there was sufficient reason for bringing the action in the Court in which it was brought.

COMMON LAW COSTS, ENGLAND. — Statement of Mr. Holland.

In the case of a *judgment by default* in an action of contract, where a sum not exceeding 20*l.* is recovered, the plaintiff recovers no costs unless the Court or a Judge otherwise order. 19 & 20 Vict. c. 108. s. 30.

It has been held that the legislature in making this provision assumed that the Judge would "make an order for costs upon a judgment by "default in an action of contract for a sum not "exceeding 20*l.*, under the same circumstances "as those under which he would have done so "in case of a recovery by verdict." (*Baddeley* v. *Burnand*, 11 C. B. (N. S.) 421; and see *Heard* v. *Edey*, 1 H. & N. 716.)

I may mention here, that for the purpose of saving unnecessary expense in the case of a *judgment by default* for want of appearance, the following rule was made in Easter Term 1857:— R.G.E.T. 1857.

"It is ordered that plaintiffs suing in *contract* for "20*l.* or less, may, if they claim *costs*, indorse on "the writ of summons the following notice:— "'Take notice, that if judgment be signed for "'default of appearance, the plaintiff will without "'summons apply to a Judge for his costs of suit, "'unless before such judgment you shall give "'notice to him or to his attorney that you in-"'tend to oppose such application;' and that if "the defendant give such notice, the plaintiff "shall proceed by summons and order. But if "the defendant give no such notice, the plaintiff "may produce such indorsement to a Judge at "Chambers for an order for *costs, ex parte*, and if "the Judge shall sign his name to the indorsement, "such signature shall be an order for *costs*, and "the master may tax them thereon accordingly. "In case of any application for *costs* without such "indorsement, the plaintiff shall not be entitled "to more *costs* than if he had made such indorse-"ment, unless a Judge shall otherwise order."

Therefore, to sum up; the position of a plaintiff as to actions of *contract* is as follows:—

As to *breach of promise of marriage*, if the verdict is for less than 40*s.*, the plaintiff is entitled to his full costs, unless the Judge certifies to deprive him of them (43 Eliz. c. 6. s. 2); but if he gets less than 40*s.* in such action on an assessment of damages on judgment by default, or on an assessment of damages under a writ of inquiry, he is entitled to his costs, as 43 Eliz. c. 6. does not apply to such cases.

In all other actions of *contract* and in *detinue*, where the plaintiff recovers a sum not exceeding 20*l.*, whether upon trial or writ of inquiry after judgment on demurrer,* or upon judgment by default, he gets no costs, unless he obtain a certificate under 13 & 14 Vict. c. 61. s. 12, or an order under 15 & 16 Vict. c. 54. s. 4, or under 19 & 20 Vict. c. 108. s. 30; or under R. G. E. T. 1857.

2. Actions on Tort. In all actions on *tort* (except an action for malicious prosecution, or slander, or libel, or criminal conversation, or seduction), except in the case of a judgment by default, where the plaintiff recovers a sum not exceeding 5*l.*, he gets no costs, unless he obtain a certificate from the Judge who

* Prew v. Squire, 20 L. J. C. P. 175.

Common Law Costs, England.

Statement of Mr. Holland.

tries the cause under 13 & 14 Vict. c. 61. s. 12. (for form of certificate see ante), *or* obtains an order from the Court or a Judge for his costs under 15 & 16 Vict. c. 54. s. 4.

In the case of a judgment by default in actions on *tort*, the plaintiff is entitled to costs as if the County Court Acts had not passed.

The position of the plaintiff, therefore, as to actions on *tort* is as follows:—

In actions for *slanderous words*, if he recovers less than 40*s.*, he can have no more costs than damages, and the Judge has no power to certify to give him costs. 21 Jac. 1. c. 16.

In actions for *malicious prosecution, libel, crim. con., and seduction*, if he recovers less than 40*s.*, he can have no costs, unless the Judge or presiding officer certifies, as before set out, under 3 & 4 Vict. c. 24.

But as this Act does not apply to judgment on demurrer or an inquiry consequent thereon, if the plaintiff obtains less than 40*s.* damages on a writ of inquiry after a demurrer, he is entitled to the costs of the cause.

In *other actions on torts*, if he recovers a sum not exceeding 5*l.*, he is entitled to no costs unless he obtain a certificate or order under the County Court Acts, and in certain cases under 3 & 4 Vict. c. 24. ss. 2 and 3. (See *ante.*)

In the case of a judgment by default in *any* action of tort the County Court Acts do not apply, and the case falls within 21 Jac. 1. c. 16. and 3 & 4 Vict. c. 24.

23 & 24 Vict. c. 126. s. 34.

But the position of the plaintiff as to costs in actions on *tort* is further altered by sect. 34. of the C. L. P. Act, 1860.

By that Act, "when the plaintiff in any action "for an alleged *wrong* recovers by the verdict of "a jury less than *five pounds*, he shall not be "entitled to recover or obtain from the defendant "any *costs* whatever in respect of such verdict, "whether given upon any issue tried or judg- "ment passed by default, in case the Judge or "presiding officer before whom such verdict is "obtained shall immediately afterwards certify "on the record, or writ of trial or inquiry, that "the action was not really brought to try a right "besides the mere right to recover damages, and "that the trespass or grievance in respect of "which the action was brought was not wilful "and malicious, *and* that the action was not fit "to be brought."

The effect of this section is, that in the specified cases the Judge may certify to *deprive*, and it imposes, therefore, an additional restriction upon the plaintiff's right to recover costs.

Small Debts Acts. 15 Vict. c. lxxvii.

It may be observed here that the County Court Acts do not extend to the City of London, but in the "Small Debts Act," 15 Vict. c. lxxvii., there are special provisions somewhat analogous to those in the County Court Acts. (See sects. 119, 120, 121, and 122.)

This Act has given rise to many decisions; but the result is, that where the plaintiff recovers less than 20*l.* in an action on *contract*, or less than 5*l.* in an action on *tort*, which might have been brought in the City Court, he has no costs, although no suggestion be entered to deprive him of them; and if he recovers 20*l.* and not more than 50*l.* in an action on *contract* (except in certain specified actions) he is deprived of his costs if the defendant enters a suggestion. (*Castrique* v. *Page*, 22 L. J. C. P. 145.)

And further, that where an action is brought in the Superior Court which might have been brought in the City Court, and the plaintiff recovers less than 20*l.*, a certificate for costs must be granted forthwith. But if the sum recovered is between 20*l.* and 50*l.* the Judge may certify within a reasonable time. (*Chaplin* v. *Levy*, 9 Exch. 673. *Heden* v. *Atlantic Co.*, 29 L. J. Q. B. 191.)

Common Law Costs, England.

Statement of Mr. Holland.

And, lastly, that the discretionary power to give costs, which, by 15 & 16 Vict. c. 54. s. 4., is given to the Court or Judge at chambers, is, by the City Act, confined to the Judge at the trial.

Special exceptions to Plaintiff's right to costs.

There are some special statutes to which it may be convenient here to refer, which create exceptions to the plaintiff's right to costs.

43 G. 3. c. 46. s. 4.

1. By 43 Geo. 3. c. 46. s. 4., in actions upon judgments obtained by plaintiffs in England or Ireland, the plaintiff is not entitled to costs of suit, unless the Court or a Judge otherwise order.

s. 3.

2. By 43 Geo. 3. c. 46. s. 3., a plaintiff who has arrested and held a defendant to bail, and does not recover the amount of the sum for which the defendant has been held to bail, is not only deprived of his own *costs*, but is obliged to pay the *costs* of the defendant, if the defendant can satisfy the Court that the plaintiff had not any reasonable or probable cause for causing the defendant to be arrested and held to special bail in such amount.

This Act does not apply to arrests under 1 & 2 Vict. c. 110. (*Ricketts* v. *Noble*, 3 Exch. 521).

12 & 13 Vict. c. 106. s. 86.

3. By 12 & 13 Vict. c. 106. s. 86., where the plaintiff (a creditor) does not recover in an action against the defendant (the trader debtor) the full amount of the sum sworn to by him for the purpose of making the defendant a bankrupt, he is not only deprived of his own *costs*, but he has to pay the *costs* of the defendant, if the defendant satisfies the Court that the plaintiff had not reasonable and probable cause for making the affidavit of debt in such amount.

4. In actions by *informers*, the plaintiff is not entitled to costs, unless expressly given him by Statute.

8 & 9 Will. 3. c. 11. 5 & 6 Will. 4. c. 74. 15 & 16 Vict. c. 83.

5. In an action *for not setting out tithes*, the plaintiff is not entitled to costs, unless the defendant suffers judgment by default.

6. In an action *for infringement of patents*, the Statute of 15 & 16 Vict. c. 83. imposes certain limitations as to the recovery of costs by plaintiff and defendant. (See *post*, p. 22.)

11 & 12 Vict. c. 44. s. 13.

7. By 11 & 12 Vict. c. 44. s. 13., in an action against a Justice of the Peace there are certain limitations as to a plaintiff's right to recover costs. (See *post*, p. 30.)

8. By 16 & 17 Vict. c. 107. (Customs Act) s. 322., if the plaintiff in an action for damages for alleged illegal seizure or detention of ship or goods recovers a sum not exceeding 20*l.*, he has no *costs*, unless the Judge certifies at the trial, or (in case there be no trial) makes an order to the effect that it could not be tried in a County Court, or was a fit case to be tried in a Superior Court.

Actions not exceeding 20*l.*

There are also certain other limitations to the plaintiff's right to recover costs in the Superior Court, which may be mentioned here, though they are not statutable limitations.

By 3 & 4 Will. 4. c. 42. s. 17., in any action in a Superior Court for any debt or demand in which the sum sought to be recovered, and indorsed on the writ of summons, does not exceed 20*l.*, the Court or a Judge may, upon being satisfied that no difficult question of law or fact is involved, order that the issues shall be tried before the

Common Law Costs, England. — Statement of Mr. Holland.

Sheriff of the county where the action is brought; and a writ to the Sheriff thereupon issues.

In Hilary Term, 1853, the following directions were issued to the Masters of the Court:—

7. In all actions on contract, other than cases wherein by reason of the nature of the action no writ of trial can by law be issued, where the sum recovered or paid into Court, and accepted by the plaintiff in satisfaction of his demand, or agreed to be paid on the settlement of the action, shall not exceed 20*l.* (without costs), the plaintiff's costs as against the defendant, shall be taxed according to the lower scale of allowances in the schedule of costs hereunto annexed: provided that, in case of trial before a Judge of one of the Superior Courts or Judge of Assize, if the Judge shall certify on the postea that the cause was proper to be tried before him, and not before a Sheriff or Judge of an Inferior Court, the costs shall be taxed on the higher scale.

8. Where, in like actions, the sum endorsed on the summons shall be more than 20*l.*, but the plaintiff fails to recover more than that sum, and the Judge does not certify as aforesaid, the plaintiff's costs against the defendant, whether between party and party or between attorney and client, shall be taxed as upon a writ of trial before a Judge of a Court of Record where attornies are not allowed to act as advocates, as herein-after provided for; but the defendant's costs, if any, are to be taxed upon the higher scale; provided, that in cases triable before the Sheriff or Judge of an Inferior Court, where the Judge shall refuse to make an order for trial, the Judge may, if he shall think fit, direct at the time of such refusal on what scale the costs of each party shall be taxed; and in default of such direction, the costs of both parties shall be taxed on the higher scale.

The directions do not apply unless the whole debt or demand of the plaintiff is of such a nature as may be indorsed on the writ of summons. They do not apply to actions where the claim is, in part, for unliquidated damages, although founded on contract; nor do they apply to actions of *tort*.

By the 13 & 14 Vict. c. 61., s. 12., the sheriff has power to certify to give the plaintiff costs, and in the absence of such a certificate, the plaintiff would not be entitled to them.

Gray 180. It follows that in order to entitle a plaintiff recovering a verdict for a sum not exceeding 20*l.* to full costs, he must obtain a certificate as well under the last-mentioned Act as under the above directions.

2. *On Verdict for Defendant.*

The principal Statutes which affect the defendant's right to costs are 23 Hen. 8. c. 15.; 8 Eliz. c. 2.; 4 Jac. 1. c. 3.; 13 Car. 2. stat. 2. c. 2.; 8 & 9 Will. 3. c. 11. ss. 1, 2, & 3.; 3 & 4 Will. 4. c. 42. ss. 32 & 33; and the Common Law Procedure Acts of 1852, 1854, and 1860.

4 Jac. 1. c. 3. By 4 Jac. 1. c. 3. (which is wider than 23 Hen. 8. c. 15.), if any person shall commence or sue in any Court of Record, or in any other Court, any action, bill, or plaint of trespass, or *ejectione firmæ*, or any other action whatsoever, wherein the plaintiff or demandant might have costs (in case judgment should be given for him), and the plaintiff or demandant, in any such action, bill, or plaint after appearance of the defendant, be nonsuited, or any verdict happen to pass, by any lawful trial, against the plaintiff or demandant, then the defendant in every such action, bill, or plaint, shall have judgment to recover his *costs* against every such plaintiff and demandant to be assessed, taxed, and levied in manner and form as costs in the said recited actions are to be assessed, taxed, and levied in and by the law of 23 Hen. 8.

Common Law Costs England. — Statement of Mr. Holland.

By this Act the defendant is entitled to his costs if a verdict be found for him, or the plaintiff is nonsuited, in all cases in which a plaintiff would be entitled to costs if he recovered.

There is one action in which the defendant, if successful, obtains costs, although the plaintiff, if successful, would not have been entitled to them. In a *qui tam* action brought by a common informer, the informer could not recover his costs, but the defendant, if successful, has a right to costs by 18 Eliz. c. 5. s. 3., made perpetual by 27 Eliz. c. 16.

18 Eliz. c. 5.

Mr. Gray, in his book on Costs, argues that cases, where the defendant obtains judgment of *non pros* or upon a *nolle prosequi*, fall within 23 Hen. 8. c. 15. and 4 Jac. 1. c. 3., and that it is not necessary to rely upon 13 Car. 2. stat 2. c. 2. s. 3., which only applies to *non pros* in the Courts of Queen's Bench and Common Pleas, or upon 8 Eliz. c. 2. s. 1., which only applies to a *nolle prosequi* and discontinuance in the Court of Queen's Bench.

Gray on Costs, 9-11.

By 3 & 4 Will. 4. c. 42. s. 33., where any *nolle prosequi* is entered upon any count or part of any declaration, the defendant is entitled to judgment for reasonable costs in that behalf.

3 & 4 Will. 4. c. 42. s. 33.

But even after 4 Jac. 1. c. 3., though one of several defendants obtained a verdict, he was not entitled to costs if the plaintiff had a verdict against the others, until 8 & 9 Will. 3. c. 11.

Where several Defendants.

By 8 & 9 Will. 3. c. 11. s. 1., where several persons shall be made defendants to any action or plaint of trespass, assault, false imprisonment, or *ejectione firmæ*, and any one or more of them shall be upon the trial thereof acquitted by verdict, every person or persons so acquitted shall have and recover his *costs* of suit, in like manner as if a verdict had been given against the plaintiff, and acquitted all the defendants; unless the Judge before whom such cause shall be tried shall immediately after the trial thereof, in open Court, certify upon the record under his hand that there was a reasonable cause for the making such person or persons a defendant or defendants to such action or plaint.

8 & 9 Will. 3. c. 11.

This Act was held not to extend to actions on the case, nor to replevin, nor trover.

But by 3 & 4 Will. 4. c. 42. s. 32., where several persons shall be made defendants in *any personal action*, and any one or more of them have a *nolle prosequi* entered as to him or them, or, upon the trial of such action, shall have a verdict pass for him or them, every such person shall have judgment for, and recover, his reasonable *costs*, unless, in the case of a trial, the Judge before whom such cause shall be tried shall certify upon the record that there was a reasonable cause for making such person a defendant in such action.

3 & 4 Will. 4. c. 42. s. 32.

Nonjoinder of Defendants and Plea in abatement.

The C. L. P. Act, 1852, after providing by sect. 38. for the amendment of the writ after a plea in abatement of the nonjoinder of a defendant, adopts by sect. 39. the substance of sect. 10. of 3 & 4 Will. 4. c. 42.

3 & 4 Will. 4. c. 42. s. 10.

By sect. 39, in all cases after such plea in abatement and amendment, if it appear upon the trial that the person or persons so named in such plea in abatement was or were jointly liable with the original defendant, the original defendant

15 & 16 Vict. c. 76. s. 39.

Common Law Costs, England.

Statement of Mr. Holland.

shall be entitled as against the plaintiff to the *costs* of such plea in abatement and amendment, but if at such trial it appear that the original defendant is liable, but that one or more of the persons named in such plea in abatement is or are not liable as a contracting party or parties, the plaintiff shall be entitled to judgment against the defendant who shall appear to be so liable; and every defendant who is not so liable shall have judgment, and be entitled to his *costs* as against the plaintiff, who shall be allowed the same, together with the costs of the plea in abatement and amendment, as costs in the cause against the original defendant who pleaded the nonjoinder.

Misjoinder of Plaintiffs. 23 & 24 Vict. c. 126. s. 19.

It may be stated here, that by the C. L. P. Act, 1860, s. 19, where there has been a misjoinder of plaintiffs, and judgment is given in favour of one or more of them, who are entitled to recover, "the defendant, though unsuccessful, shall be "entitled to his *costs* occasioned by joining any "person or persons in whose favour judgment is "not given, unless otherwise ordered by the "Court or a Judge."

3. *Judgment on Demurrer.*

1. Judgment for Plaintiff. 4 Anne, c. 16. s. 5.

A plaintiff who had judgment on demurrer was entitled to his costs under the Statute of Gloucester; and, after double pleading was allowed, under 4 Anne, c. 16. s. 5.

15 & 16 Vict. c. 76. s. 81.

And by 15 & 16 Vict. c. 76. s. 81., the *costs* of any issue, either of fact or of *law*, shall follow the finding or judgment upon such issue, and be adjudged to the successful party, whatever may be the result of the other issue or issues.

13 & 14 Vict. c. 61. s. 11.

By 13 & 14 Vict. c. 61. s. 11. (set out *ante*), the plaintiff who recovers only 20*l.* in an action of contract, or 5*l.* in an action on *tort*, which might have been brought in the County Court, is disentitled to the *costs* of a demurrer upon which he obtains judgment.*

2. Judgment for Defendant.

Before 8 & 9 Will. 3. c. 11., a defendant was not entitled to costs when he had judgment on demurrer.

3 & 4 Will. 4. c. 42. s. 34.

The provisions, however, of sect. 2. of 8 & 9 Will. 3. c. 11. did not extend to all cases, and, therefore, it was subsequently enacted by 3 & 4 Will. 4. c. 42. s. 34., "That where judgment shall "be given either for or against a plaintiff or de-"mandant, or for or against a defendant or "tenant, upon any demurrer joined in any action "whatever, the party in whose favour such judg-"ment shall be given shall also have judgment to "recover his *costs* in that behalf."

15 & 16 Vict. c. 76. s. 81.

And as will have been seen, the provisions of 15 & 16 Vict. c. 76. s. 81. apply to defendants as well as to plaintiffs.

4. *On Judgment by Default.*

I have already noticed the general law as to Costs upon a judgment by default in actions of contract and tort. I need, therefore, only further refer to some sections of the Common Law Procedure Act, 1852, which bear upon this head.

15 & 16 Vict. c. 76. s. 27.

By the Common Law Procedure Act, 1852, s. 27., in case of nonappearance by the defendant where the writ of summons is specially indorsed, the plaintiff on filing an affidavit of personal service of the writ, or a Judge's order for leave to proceed, and a copy of the writ, may sign final judgment for the sum indorsed on the writ and interest, *and a sum for costs* (to be fixed by the Masters subject to the approval of eight Judges), unless the plaintiff claim more than such fixed sum, in which case the costs are to be taxed in the ordinary way.

Common Law Costs, England.

Statement of Mr. Holland.

The *costs* for which judgment may thus be signed are fixed by R. 1, H. T. 1853.

s. 28.

And by sect. 28, in case of such nonappearance where the writ is not specially indorsed, the plaintiff may file a declaration indorsed with a notice to plead in eight days, and sign judgment by default at the expiration of such time to plead; and in the event of no plea being delivered, where the cause of action is for a claim which might have been specially indorsed, the judgment is final, and execution may issue as under sect. 27; but the plaintiff is not in such case entitled to more *costs* than if he had specially indorsed the writ, and signed judgment upon nonappearance.

s. 101.

And by sect. 101, where the plaintiff neglects to give notice of trial, or to proceed to trial in pursuance of notice from the defendant, the defendant may enter a suggestion that the plaintiff has failed to proceed to trial, and may sign judgment for his *costs*. See also sect. 202. for a similar case in ejectment.

5. *Where there are several Issues.*

4 Anne, c. 16. s. 4.

By 4 Anne, c. 16. s. 4, any defendant or tenant in any action or suit, or any plaintiff in replevin in any Court of Record, with the leave of the same Court, may plead as many several matters thereto as he shall think necessary for his defence.

s. 5.

And by sect. 5, if a verdict be found upon any issue in the said cause for the plaintiff or demandant, *costs* shall be also given in like manner, unless the Judge who tried the said issue shall certify that the said defendant, or tenant, or plaintiff in replevin, had a probable cause to plead such matter which upon the said issue shall be found against him.

15 & 16 Vict. c. 76. s. 81. R. 62, H. T. 1853.

This Statute is not repealed, but where there are several issues, the costs are now regulated by the C. L. P. Act, 1852, s. 81. and R. 62, H. T 1853, which have taken the place of 4 Anne, c. 16. s. 5. By the C. L. P. Act, 1852, the plaintiff in any action may, by leave of the Court or a Judge, plead as many several matters as he shall think necessary to sustain his action; and the defendant may, by leave of the Court or a Judge, plead as many several matters as he shall think necessary for his defence: provided that the *costs* of any issues either of fact or law shall follow the finding or judgment upon such issues, and be adjudged to the successful party, whatever may be the result of the other issue or issues.

By R. 62, H. T. 1853, when issues in law and fact are raised, the *costs* of the several issues both in law and fact will follow the finding or judgment; and if the party entitled to the general costs of the cause obtain a verdict on any material issue, he will also be entitled to the general costs of the trial; but if no material issue in fact be found for the party otherwise entitled to the general costs of the cause, the costs of the trial shall be allowed to the opposite party.

The practice may be stated as follows:—

The costs of any issue, either of fact or law, follow the finding or judgment upon such issue, and are adjudged to the successful party, whatever may be the result of the other issue or issues.

Costs of the cause, Chit. Arch. 463.

If there are several issues, and one is found for the plaintiff and the other for the defendant, if that found for the plaintiff entitle him to recover

* 11 C.B. 889; 5 C.B. (N.S.) 279.

his debt or damages, or any part of them, he will be entitled to the postea, and to the general *costs of the cause.* But the defendant will be entitled to the same, if the defence raised upon the issue found for the defendant furnishes a defence to the whole action.

Costs of Trial.

When issues in law and fact are raised, if the party entitled to the general costs of the cause obtain a verdict on any material issue, he will also be entitled to the general *costs of the trial*; but if no material issue in fact be found for the party otherwise entitled to the general costs of the cause, the costs of the trial shall be allowed to the opposite party.

Costs where several Counts or Pleadings on same cause of Action or Defence.

Under this head it may be conveniently mentioned, that several counts on the same cause of action are not allowed; nor are several pleas, replications, or subsequent pleadings, or several avowries, or cognizances, founded on the same ground of answer or defence. But on an application to strike out any count or disallow any such pleadings, the Court or a Judge may allow such counts or pleadings founded on the same ground of answer or defence, as may appear to such Court or Judge to be proper for determining the real question in controversy between the parties on its merits, subject to such terms as to *costs* as they or he may think fit. If no rule or order is made as to costs, and on the trial there is more than one count, plea, or subsequent pleading, avowry, or cognizance, on the record founded on the same cause of action or ground of answer or defence, and the Judge or presiding officer certify to that effect at the trial, the party so pleading is liable to the opposite party for all *costs* occasioned by such count or other pleading, in respect of which he has failed to establish a distinct cause of action or ground of answer or defence, including the costs of the evidence as well as those of the pleading. Pleading Rules 1, 2, 3, H. T. 1853.

Costs of divisible issues.

An issue, though single in form, may be really divisible, and found partly for the plaintiff and partly for the defendant, and in such case the *costs* follow the findings as if they were on distinct issues.

15 & 16 Vict. c. 76. s. 75.

By the C. L. P. Act, s. 75, pleas of payment and set off, and all other pleadings capable of being construed distributively, shall be taken distributively, and if issue is taken thereon, and so much thereof as shall be sufficient answer to part of the causes of action proved shall be found true by the jury, a verdict shall pass for the defendant in respect of so much of the causes of action as shall be answered, and the plaintiff in respect of so much of the causes of action as shall not be so answered.

6. *Upon Arrest of Judgment and Judgment non obstante veredicto.*

15 & 16 Vict. c. 76. s. 143.

By the C. L. P. Act, 1852. s. 143., upon any motion made in arrest of judgment, or to enter an arrest of judgment or for judgment non obstante veredicto, by reason of the non-averment of some alleged material fact or allegation, or other cause, the party whose pleading is alleged to be defective may, by leave of the Court, suggest the existence of the omitted fact or facts, and the suggestion may be pleaded to, and the proceedings for trial upon such pleadings shall be the same as in an ordinary action.

s. 144.

By sect. 144, if the fact or facts suggested be admitted, or found to be true, the party suggesting shall be entitled to such judgment as he would have been entitled to, if such fact or facts or allegations had been originally stated in such pleading, and proved or admitted on the trial, together with the *costs* of, and occasioned by, the suggestion and proceedings thereon; but if such fact or facts be found untrue, the opposite party shall be entitled to his *costs* of, and occasioned by, the suggestion and proceedings thereon, in addition to any other costs to which he may be entitled.

Common Law Costs, England. — Statement of Mr. Holland.

s. 145.

By sect. 145, upon an arrest of judgment, or judgment non obstante veredicto, the Court shall adjudge to the party against whom such judgment is given, the *costs* occasioned by the trial of any issues of fact arising out of the pleading for defect of which such judgment is given, upon which such party shall have succeeded; and such costs shall be set off against any money or costs adjudged to the opposite party, and execution may issue for the balance, if any.

7. *Costs where new Trial granted, and Trial de novo.*

15 & 16 Vict. c. 76. s. 44.

By the Common Law Procedure Act, 1854, s. 44., when a new trial is granted on the ground that the verdict was against evidence, the *costs* of the first trial shall abide the event, unless the Court shall otherwise order.

R. 54, H. T. 1853.

By R. 54, H.T. 1853, if a new trial be granted *without any mention of costs in the rule*, the costs of the first trial shall not be allowed to the successful party, though he succeed on the second.

As to the costs of appeal against the Court granting or refusing a rule, see *post*, "*Costs of particular actions*," &c.

17 & 18 Vict. c. 125. s. 43.

By the Common Law Procedure Act, 1854, s. 43., upon an award of a *trial de novo* by any one of the Superior Courts, or by the Court of Error, upon matter appearing upon the record, error may at once be brought; and if the judgment in such or any other case be affirmed in error, the Court of Error may adjudge *costs* to the defendant in error.

Secondly.—Where an Action is terminated before Verdict.

1. By judgment of *non pros.*

Where the plaintiff in any stage of the cause neglects to prosecute his action within the proper time, the defendant may sign judgment of *non pros*, which is a final judgment for costs only.

For observations upon this judgment, see *ante*, "Verdict for defendant."

2. By discontinuance.

It is generally laid down, as Mr. Gray observes (p. 264), that a defendant is entitled to his costs on a discontinuance under 8 Eliz. c. 2. and 13 Car. 2. stat. 2. c. 2., but there is an objection to this, inasmuch as neither Act applies to the Court of Exchequer. The defendant's right may be, perhaps, under the Act 4 Jac. 1., or on the practice of all the Courts to insert a condition for payment of costs by the plaintiff in rules to discontinue.

R. 23, H. T. 1853.

By R. 23, H. T. 1853, to entitle a plaintiff to discontinue *after plea pleaded*, the consent of the defendant need not be obtained, but the rule shall contain an undertaking on the part of the plaintiff to pay the *costs*, and a consent that if they are not paid within four days after taxation, the defendant may sign judgment of *non pros.*

15 & 16 Vict. c. 76. s. 200.

By the Common Law Procedure Act, 1852, s. 200., a claimant in ejectment may discontinue the action as to one or more of the defendants, by giving a notice of discontinuance, and thereupon

the defendant to whom such notice is given may forthwith sign judgment for *costs*.

As to what Statute entitles the defendant to costs upon a *nolle prosequi*, see *ante*, "Verdict for "defendant."

3. By Nolle Prosequi.

By 3 & 4 Will. 4. c. 42. s. 32., where several persons are defendants in any personal action, and a *nolle prosequi* is entered as to one or more of them, every such person shall have judgment for and recover his reasonable *costs*.

3 & 4 Will. 4. c. 42. s. 32.

And by sect. 33, where a *nolle prosequi* shall have been entered upon any count, or as to any part of a declaration, the defendant shall have judgment for and recover his reasonable *costs* in that behalf.

s. 33.

4. By discontinuance and nolle prosequi after plea.

By R. 22, Pleading Rules, H.T. 1853, a plaintiff may confess a plea containing a defence arising *after* the commencement of the action, and thereupon he shall be entitled to the *costs* of the cause up to the time of pleading such plea.

R. 22, Pl. R., H. T. 1853.

And by R. 23, Pleading Rules, H.T. 1853, where a plea is pleaded with an allegation that the matter of defence arose *after* the last pleading, the plaintiff shall be entitled to confess such plea, and shall be entitled to the *costs* of the cause up to the time of pleading such plea.

R. 23.

R. 23, H. T. 1853.

By R. 23, H.T. 1853, the rule to discontinue after plea shall contain an undertaking by the plaintiff to pay the *costs*, and a consent that, if not paid within four days after taxation, defendant may sign judgment of *non pros.*

These rules do not apply to the case of such plea pleaded by one or more only of several defendants.

5. By payment into Court. 15 & 16 Vict. c. 76. s. 70.

By the Common Law Procedure Act, 1852, s. 70., one or more of several defendants may, by leave of the Court or a Judge, upon such terms as they or he think fit, pay a sum of money into Court.

s. 73.

And by sect. 73, the plaintiff, after a plea of payment into Court, may reply by accepting the sum in full satisfaction of the cause of action in respect of which it has been paid in, and he may then tax his *costs* of suit, or he may reply that the sum is not enough, and in the event of an issue thereon being found for the defendant, the defendant is entitled to judgment and his *costs* of suit.

R. 12, H. T. 1853.

By R. 12, H. T. 1853, when the plaintiff accepts the sum in satisfaction, he is, when the costs of the cause are taxed, entitled to the *costs* of the cause in respect of that part of his claim so satisfied, up to the time the money is so paid in and taken out, whatever may be the result of any issue in respect of any other cause of action; and if the defendant defeats the residue of the claim, he is entitled to the *costs* of the cause in respect of such defence, commencing at "Instructions for "Plea," but not before.

The same law as to costs applies to the cases of payment into Court in replevin (Common Law Procedure Act, 1860, s. 23.), and in actions on bonds and in detinue (Common Law Procedure Act, 1860, s. 25).

R. 13, H. T. 1853.

By R. 13, H. T. 1853, where money is paid into Court in several actions which are consolidated, and the plaintiff, without taxing costs, proceeds to trial on one and fails, he is entitled to *costs* on the others up to the time of paying money into Court.

6. By neglect to try after notice from defendant.

By the Common Law Procedure Act, 1852, s. 101, where issue has been joined, and the plaintiff has neglected to try within a certain time specified in the Act, the defendant may give 20 days' notice to the plaintiff to try; and if the plaintiff afterwards neglects to give notice to try, or to try, the defendant may suggest on the record that the plaintiff has failed to try, though required so to do, and may sign judgment for his *costs*.

15 & 16 Vict. c. 76. s. 101.

And by sect. 202. a similar provision is made for actions of ejectment.

7. By default of defendant.

The different Acts and the right of the plaintiff to costs in case of judgment by default of the defendant have been already fully stated and discussed.

8. By death. 15 & 16 Vict. c. 76. s. 138.

The only special provisions as to costs made in case of death are, *first*, in the case of the death of a sole defendant, or sole surviving defendant, when the action survives. The pleadings upon the declaration and upon the suggestion of death are tried together; and in case the plaintiff recovers, he is entitled to the like judgment in respect of the *costs* prior to the suggestion, and in respect of the *costs* of the suggestion, and subsequent thereto, he is entitled to the like judgment as in an action originally commenced against the executor or administrator. Common Law Procedure Act, 1852, s. 138.

17 & 18 Vict. c. 125. s. 92.

And, *secondly*, by the Common Law Procedure Act, 1854, s. 92, where an action would, but for the Common Law Procedure Act, 1852, have abated, by reason of the death of either party, but may by that Act be continued, the defendant or person against whom the action may be so continued, may apply to compel the plaintiff, or person entitled to proceed with the action in the room of the plaintiff, to proceed; and in default of such proceeding, the defendant or other person may enter a suggestion of the default, &c., and have judgment for the *costs* of the action and suggestion against the plaintiff, or against the person entitled to proceed in his room.

9. By confession in ejectment. 15 & 16 Vict. c. 76. ss. 203–205.

By the Common Law Procedure Act, 1852, s. 203., a sole defendant or all the defendants in ejectment may confess the action as to the whole or part of the property by giving a notice, and thereupon the claimant may sign judgment and issue execution for the recovery of possession and *costs*.

And by sects. 204, 205, provision is made to meet the cases of confession by one of several defendants, who defends separately for a portion of the property for which the others do not defend, and of confession by one of several defendants, who defends separately for property for which other defendants also defend. In the latter case the claimant signs judgment against such defendant for the *costs* occasioned by his defence.

THIRDLY.—COSTS OF DIFFERENT STEPS IN AN ACTION.

Under this head, those sections of Acts only are referred to, which make special mention of costs. In almost every stage of an action the Court or a Judge have statutory power given them to impose terms, including costs, upon the parties, as upon making amendments; compelling causes to be referred before trial; adjournment of a trial; making rules and orders upon applications by the parties, or either of them, to amend, to set aside proceedings, &c., to obtain inspection or discovery, and so forth. But it would be far beyond the limits of this statement to set forth all the sections which confer such power, and, indeed, a reference to such sections is the less necessary,

because very little, if any, difference will be found in this respect between the powers of the Courts and Judges in England and Ireland.

This has been discussed before, under the head of "Verdict for defendant," and it is unnecessary to set out the sections again; but by the Common Law Procedure Act, 1852, s. 34., when the non-joinder of a person as plaintiff has been pleaded in abatement, or notice has been given of the objection of nonjoinder, the writ and proceedings may be amended by adding the name of such person on payment of the costs of and occasioned by such amendment.

1. Misjoinder and Non-joinder. 15 & 16 Vict. c. 76. s. 34.

By 3 & 4 Will. 4. c. 42. s. 11., in case of *misnomer* in any personal action, the defendant may cause the declaration to be amended, *at the costs of the plaintiff*, by inserting the right name, upon a Judge's summons; and in case such summons is discharged, the *costs* of such application shall be paid by the party applying, if the Judge shall think fit.

Misnomer. 3 & 4 Will. 4. c. 42. s. 11.

By the Common Law Procedure Act, 1852, s. 52., if any pleading be framed so as to prejudice, embarrass, or delay the fair trial of an action, an application may be made to strike out or amend such pleading, and the Court or Judge may make such order as to the *costs* of the application as they or he shall see fit.

2. Pleadings. 15 & 16 Vict. c. 76. s. 52.

And as to costs of striking out equitable pleadings, see the Common Law Procedure Act, 1854, s. 86.

The question of costs where there are several counts and pleas, and where pleas by way of puis darrein continuance and payment into Court have been pleaded and confessed, has been already discussed (see *ante*, "5. Where there are several "Issues," and "Costs where an action is terminated before Verdict.")

3. Particulars of demand and set off. R. 19, H. T. 1853.

By R. 19, H. T. 1853, if particulars are not given with the declaration or plea of set off, and a Judge afterwards orders them to be given, the plaintiff or defendant, as the case may be, shall not be allowed any *costs* in respect of any summons for the purpose of obtaining such order, or of the particulars he may afterwards deliver.

4. Proof of Documents. 15 & 16 Vict. c. 76. s. 117.

By the Common Law Procedure Act, 1852, s. 117., and R. 30, H.T. 1853, in all cases of trials, writs of inquiry, or inquisitions of any kind, in case of refusal or neglect to admit documents after notice given to admit, the *costs* of proving the document shall be paid by the party neglecting or refusing, unless at the trial the Judge certify that the refusal to admit was reasonable; and no *costs* of proving any document shall be allowed, unless such notice to admit be given, except in cases where the omission to give the notice is, in the opinion of the Master, a saving of expense.

5. Examination of Witnesses. 1 Will. 4. c. 22. s. 3.

By 1 Will. 4. c. 22. s. 3., the *costs* of every writ or commission to examine witnesses abroad under the Act 13 Geo. 3. c. 63., or this Act, and of the proceedings thereon, shall be in the discretion of the Court.

s. 4.

By sect. 4, the Court and Judges may order the examination, upon interrogatories or otherwise, before the Master or person named in the order, of witnesses within the jurisdiction of the Court, or a commission to issue for the examination of witnesses at any place out of such jurisdiction.

s. 9.

By sect. 9, "The *costs* of every rule or order "for the examination of witnesses under any com-"mission or otherwise by virtue of the Act, and "of the proceedings thereupon, shall (except in "the case therein-before provided for), be costs in "the cause, unless otherwise ordered."

By the Common Law Procedure Act, 1854, s. 46., upon the hearing of any motion or summons, the Court or Judge may order documents to be produced, and witnesses to appear and be examined before the Court or Judge, or a Master.

17 & 18 Vict. c.125. s. 46.

By sect. 48, an examination of witnesses refusing to make an affidavit may be ordered, upon application by one of the parties to an action or civil proceeding.

s. 48.

By sect. 50, provision is made for the discovery of documents.

s. 50.

By sect. 51, provision is made for the delivery of written interrogatories to the opposite party.

s. 51.

By sect. 53, provision is made for the oral examination of a party, omitting without just cause to answer sufficiently such written interrogatories; and the Court or Judge may impose such terms as to such examination, and the *costs* of the application and of the proceedings thereon, as to them or him seem fit.

By sect. 57, the *costs* of every application for any rule or order to be made for the examination of witnesses by virtue of the Act, and of the rule or order and proceedings thereon, shall be in the discretion of the Court or Judge by whom such rule or order is made.

s. 57.

6. Inspection of Documents, &c. 14 & 15 Vict. c. 99. 17 & 18 Vict. c. 125 s. 58.

The costs of *inspection* of documents under 14 & 15 Vict. c. 99. s. 6., are generally ordered to be paid by the party applying, and the costs of *application* to be costs in the cause.

By the Common Law Procedure Act, 1854, s. 58., either party may apply for a rule or order for the inspection by the jury, or by himself, or by his witnesses, of any real or personal property; and the Court or Judge may make such terms as to *costs* as they or he think fit.

And a somewhat similar power to grant inspection is given by the Patent Law Amendment Act, 1852, s. 42.

7. Costs of Special Juries. 6 Geo. 4. c. 50.

By 6 Geo. 4. c. 50. s. 34., the party who applies for a special jury shall pay the fees of striking such jury, and all the expenses occasioned by the trial of the cause by the same, and shall not have any further allowance for the same, upon taxation of costs, than in case the cause had been tried by a common jury, unless the Judge before whom the cause is tried shall, immediately after the verdict, certify on the record that the same was a cause proper to be tried by a special jury.

This Act does not extend to cases where the record is withdrawn, but only where the cause is tried; but by 3 & 4 Will. 4., c. 42. s. 35., the provisions of 6 Geo. 4. c. 50. s. 34. are extended to cases in which the plaintiff is nonsuited, as well as those where a verdict is found against him.

3 & 4 Will. 4. c. 42. s. 35.

8. Costs of a View.

The expenses of a view are regulated by R. 49, H.T. 1853, and a deposit has to be made with the Sheriff; but the costs of a view are in the result costs in the cause.

9. Amendments.

The Common Law Procedure Act, 1852, s. 222. empowers the Courts and every Judge thereof, and any Judge sitting at *nisi prius*, at all times to amend all defects and errors in any proceeding in civil causes, and with or without costs, and upon such terms as to the Court or Judge may seem fit.

Like provisions are found in the Common Law Procedure Act, 1854, s. 96. and the Common Law Procedure Act, 1860, s. 36.

As to costs of amendments in case of misnomer and nonjoinder, see *ante*.

COMMON LAW COSTS, ENGLAND.

Statement of Mr. Holland.

10. Costs of the day. 15 & 16 Vict. c. 76. s. 99.

By the Common Law Procedure Act, 1852, s. 99., a rule for *costs* of the day for not proceeding to trial pursuant to notice, or not countermanding in sufficient time, may be drawn up on affidavit without motion.

And by R. 39, H. T. 1853, the *costs* of the day may be obtained by a side bar rule on the usual affidavit.

11. Adjournment of Trial. 17 & 18 Vict. c. 125. s. 19.

By the Common Law Procedure Act, 1854, s. 19., the Court or Judge may, at the trial of any cause, where they or he deem it right for the purposes of justice, order an adjournment for such time, and subject to such terms and conditions as to *costs*, and otherwise, as they or he may think fit.

12. Security for Costs. 15 & 16 Vict. c. 76. s. 142.

The provision of the Common Law Procedure Act, 1852, s. 142., with reference to security for costs in actions by bankrupts and insolvents, will be found under the head "*Costs where parties sue in a particular character.*"

5 & 6 Will. 4. c. 76. s. 53.

The Municipal Corporation Act, 5 & 6 Will. 4. c. 76. s. 53. enables a defendant in an action for penalties for acting as Mayor, &c. without being duly qualified, to call on the plaintiff, by a Judge's order, to give security for *costs*.

17 & 18 Vict. c. 125. s. 93.

By the Common Law Procedure Act, 1854, s. 93, a claimant in a second ejectment for the same premises brought against the same defendant may be ordered to give to the defendant security for the payment of the defendant's *costs*, and all further proceedings shall be stayed until such security is given.

R. 22, H.T. 1853.

By R. 22, H. T. 1853, an application to compel the plaintiff to give security for *costs* must, in ordinary cases, be made before issue joined.

See also as to security for costs under "The Joint Stock Companies Act, 1857," s. 24.

13. Staying Proceedings.

By R. 24, H. T. 1853, in an action against an acceptor of a bill of exchange or the maker of a promissory note, the defendant shall be at liberty to stay proceedings on payment of the debt and *costs* in that action only.

And with regard to bailable process, where several actions are consolidated, it is provided by R. 85, H. T. 1853, that "proceedings on a bail bond may be stayed on payment of *costs* in one action, unless sufficient reason be shown for proceeding in more." See also *post*, "Bail."

In an action in respect of a claim to goods taken in execution under process from County Courts, provision is made by 9 & 10 Vict. c. 95. s. 118, (See also 19 & 20 Vict. c. 108. s. 72.) for staying an action in respect of such claim, and for making the party bringing such action pay the *costs* of all proceedings had upon such action after the issue of a summons out of a County Court under the 118th section.

14. Setting aside Proceedings.

By R. 137, H. T. 1853, in all cases where a rule is obtained to show cause why proceedings should not be set aside for *irregularity* with costs, and such rule is afterwards discharged generally without any special direction upon the matter of costs, it is to be understood as discharged with cost.

15. Arrest of Defendant. 1 & 2 Vict. c. 110. s. 3.

By 1 & 2 Vict. c. 110. s. 3., a plaintiff is empowered in any action, in which the defendant was then liable to arrest, when the cause of action amounts to 20*l.* or upwards, to apply, at any time after the commencement of the action, and before final judgment, for a Judge's order to hold the defendant to bail when he is about to quit England, and thereupon to issue a writ of *capias*.

And by sect. 4, the defendant shall be detained in custody until he shall have given a bail bond to the Sheriff, or shall have made deposit of the sum indorsed on the writ of capias, *together with* 10*l.* *for costs*, according to the then practice of the Superior Courts. s. 4.

And by sect. 6, the person arrested may apply at any time to the Court or a Judge for a rule or order for his discharge, and the Court or Judge, on making absolute or discharging such rule or order, may direct the *costs* of the application to be paid by either party. s. 6.

It is unnecessary to go into further details as to these proceedings, but I may observe that the prior Acts of 43 Geo. 3. c. 46. and 7 & 8 Geo. 4. c. 71. are still in force, though sect. 3 of 43 Geo. 3. c. 46. is practically inoperative.* The sections of those prior Acts which relate to costs are sect. 2. of 43 Geo. 3. c. 46. and sects. 2, 3, and 4. of 7 & 8 Geo. 4. c. 71. 43 Geo. 3. c. 46. 7 & 8 Geo. 4. c. 71.

Absconding Debtors Arrest Act. 14 & 15 Vict. c. 52. s. 1.

By 14 & 15 Vict. c. 52, Commissioners of district Courts of Bankruptcy, and Judges of County Courts (except in Middlesex and Surrey) may, upon affidavit that a debt of 20*l.* or upwards is owing to the creditor, and that the debtor is about to quit England, &c., grant warrants for the arrest of the debtor; and provisions are made for the issuing of writs of *capias* thereon, and for giving bail, or making deposit, as under 1 & 2 Vict. c. 110.

s. 7.

The warrant is endorsed with the amount of debt and *costs* claimed by the plaintiff, and on payment of the amount proceedings are stayed.

s. 8.

The person arrested may apply for his discharge, or to set aside the warrant, and the Court or Judge may direct the *costs* of the application to be paid by either party.

s. 10.

The *costs* of the warrant and arrest are costs in the cause, but no such costs shall be allowed to the plaintiff, unless the Court is satisfied that the plaintiff had good reason to believe that he would probably have failed in causing the defendant to be arrested, if he had applied in the first instance to a Judge of one of the Superior Courts.

16. Bail.

By R. 98, H. T. 1853, if notice of *bail* is accompanied by an affidavit of each of the bail in the form given in the rule, and if the plaintiff afterwards except to such bail, he shall, if such bail are allowed, pay the *costs* of justification; and if such bail are rejected, the defendant shall pay the *costs* of opposition, unless otherwise ordered.

By R. 108, H. T. 1853, where the plaintiff proceeds by action on the recognizance of bail, the bail may render their principal at any time within eight days after service of process; and upon notice thereof given, the proceedings shall be stayed upon payment of the *costs* of the writ and service thereof only.

And by R. 111, H. T. 1853, whenever two or more notices of justification of bail shall have been given before the notice on which bail shall appear to justify, no bail shall be permitted to justify without first paying, or securing, the reasonable *costs* incurred by such prior notices.

17. Summonses and Orders and Rules.

The costs of summonses and orders, and rules and motions, are almost invariably in the discretion of the Judge; and the only rule that need be referred to is R. 159, H. T. 1853, "When a Judge's order or order of *nisi prius* is made a rule of Court, it shall be a part of the rule that the *costs* of making the order a rule of Court

* 3 Exch. 521.

"shall be paid by the party against whom the "order is made, provided an affidavit be made "and filed that the order has been served on the "party, his attorney or agent, and disobeyed."

The general principles which regulate the Courts and Judges in the exercise of their discretion as to costs of rules and motions, are fully discussed by Mr. Gray in his book on Costs, pp. 479-490.

18. Arbitration. 17 & 18 Vict. c. 125. ss. 3. 6.

In cases where the Court or a Judge have power compulsorily to refer a matter in dispute before trial (C.L.P. Act, 1854., s. 3), and where a Judge has power at the trial compulsorily to refer a matter of account (C. L. P. Act, 1854, s. 6), and where the Court or a Judge remit the matters referred to an arbitrator (C.L.P. Act, 1854, s. 7), the Court or the Judge may make such terms as to *costs* as they or he shall think reasonable.

It does not fall within this statement to state the costs of proceedings before an arbitrator or justices, where railway companies, or other companies, are concerned, as the costs of such inquiries are not costs of proceedings in the Superior Courts.

Fourthly.—Costs in particular Actions and Proceedings in an Action.

1.—*Ejectment.*

The action of *ejectione firmæ* was one in which the plaintiff was entitled to judgment for costs under the Statute of Gloucester, and the defendant under 4 Jac. 1. c. 3.

4 Jac. 1. c. 3.

But since the C. L. P. Act, 1852, damages cannot be recovered in this action, and therefore the Statute of Gloucester can no longer operate to give the plaintiff his costs; and now the law as to costs in this action is entirely governed by 15 & 16 Vict. c. 76.; 17 & 18 Vict. c. 125. s. 93.; 23 & 24 Vict. c. 126. ss. 1 and 2.; R. 114. H. T. 1853; and R. 29. 30. Pleading Rules H. T. 1853.

15 & 16 Vict. c. 76. 17 & 18 Vict. c. 125. 23 & 24 Vict. c. 126.

It is perhaps unnecessary to go through the many sections of the C. L. P. Act, 1852, which entitle the plaintiff and defendant to costs, as these are carefully set forth in Mr. Gray's book on costs. But I may mention that there are certain provisions in the C. L. P. Act, 1852, as to *costs* in actions of ejectment by *landlords* against *tenants*, which are substantially the same as those in 4 Geo. 2. c. 28. and 1 Geo. 4. c. 87., though those Acts are not repealed; and that as to *error* and bail in error in ejectment, sect. 208 partly re-enacts, and adapts to the new proceedings, the provisions of Stat. 16 & 17 Car. 2. c. 8. ss. 3 and 4., though the older Statute is not repealed.

4 Geo. 2. c. 28. 1 Geo. 4. c. 87.

16 & 17 Car. 2. c. 8.

2.—*Replevin.*

The action of replevin is one in which the plaintiff is entitled to judgment for costs under the Statute of Gloucester; but, as has before been stated, if the verdict be for less than 40*s.*, the Judge who tries the cause may certify to deprive the plaintiff of costs under 43 Eliz. c. 6. The defendant is entitled to costs in certain cases by the Statutes 7 Hen. 8. c. 4. s. 3., and 21 Hen. 8. c. 19. s. 3., and afterwards in all cases whenever judgment was given in his favour upon verdict, demurrer, or non-suit, by the Statutes 4 Jac. 1. c. 3.; 17 Car. 2. c. 7.; 8 & 9 Will. 3. c. 11.; 11 Geo. 2. c. 19.; 3 & 4 Will. 4. c. 42. ss. 32. 34.

7 Hen. 8. c. 4. 21 Hen. 8. c. 19. 4 Jac. 1. c. 3. 17 Car. 2. c. 7. 8 & 9 Will. 3. c. 11. 3 & 4 Will. 4. c. 42

There are provisions, also, in 19 & 20 Vict. c. 108. (County Courts Act) ss. 65. 66. 71., as to the security for *costs* which the replevisor is to give, if he wish to commence proceedings in a Superior Court.

Common Law Costs, England. — Statement of Mr. Holland.

I need only specially refer to one of the above mentioned Acts, viz., 11 Geo. 2. c. 19. s. 22., which gives the defendant in replevin *double* costs in certain cases. This provision, so far as it gives double costs, is repealed by 5 & 6 Vict. c. 97., which substitutes for double costs "full and "reasonable indemnity as to all costs, charges, "and expenses."

19 & 20 Vict. c. 108. 11 Geo. 2. c. 19. 5 & 6 Vict. c. 97.

The law with respect to costs of issues in replevin is the same as in other actions.

3. *Real Actions.*

By 23 & 24 Vict. c. 126. s. 26., no writ of right of *dower* or writ of dower *unde nihil habet*, and no plaint for freebench or dower in the nature of any such writ, and no *quare impedit* shall be brought in any Court whatsoever, but where any such writ, action, or plaint would lie, an action may be commenced by writ of summons issuing out of the Court of Common Pleas, as in an ordinary action.

23 & 24 Vict. c. 126. s. 26.

And by sect. 27. all proceeding and *costs* upon such writ shall be the same as in ordinary actions, and the provisions of the C.L. P. Act, 1852, and of the C. L. P. Act, 1854, shall apply to the pleadings and proceedings thereupon.

s. 27.

These provisions annul practically all prior Acts relating to real actions, as for instance the Statute 4 & 5 Will. 4. c. 39. which gave costs in *quare impedit.*

4 & 5 Will. 4. c. 39.

4. *Actions relating to Patents.*

By the Patent Law Amendment Act 1852 (15 & 16 Vict. c. 83.) s. 43., "In taxing the *costs* "in any action in any of Her Majesty's Superior "Courts in Westminster for infringing Letters "Patent, regard shall be had to the particulars "delivered in such action; and the plaintiff and "defendant respectively shall not be allowed any "*costs* in respect of any particulars, unless cer-"tified by the Judge before whom the trial was "had to have been proved by such plaintiff or "defendant respectively, without regard to the "general costs of the cause; and it shall be "lawful for the Judge before whom any such "action shall be tried, to certify on the record "that the validity of the Letters Patent in the "declaration mentioned came in question; and "the record, with such certificate, being given in "evidence in any suit or action for infringing the "said Letters Patent, or in any proceeding by "*scire facias* to repeal the Letters Patent, shall "entitle the plaintiff in any such suit or action, "or the defendant in such proceeding by *scire* "*facias* on obtaining a decree, decretal order, or "final judgment, to his *full costs*, charges, and "expenses, *taxed as between attorney and client*, "unless the Judge making such decree or order, "or the Judge trying such action or proceeding, "shall certify that the plaintiff or defendant re-"spectively ought not to have such full costs."

15 & 16 Vict. c. 83. s. 43.

This Act impliedly repeals the sixth section of the earlier Act of 5 & 6 Will. 4. c. 83. It need only be further remarked that an action for the infringement of a Patent is within 3 & 4 Vict. c. 24. s. 2., and also within the County Court Acts.

5 & 6 Will. 4. c. 83.

5. *Costs of Proceedings by Scire Facias and Revivor.*

Statement of Mr. Holland.

1. Scire facias. 8 & 9 Will. 3. c. 11.

No costs were recoverable in proceedings upon a writ of *scire facias* before 8 & 9 W. 3. c. 11. By that Statute it is enacted "That in all suits upon "any writ or writs of *scire facias* the plaintiff "obtaining judgment or any award of execution, "after plea pleaded or demurrer joined therein, "shall likewise receive his *costs* of suit; and if the "plaintiff shall become nonsuit, or suffer a discon- "tinuance, or a verdict shall pass against him, "the defendant shall recover his *costs*."

This Act does not extend to executors or administrators, and applies only to civil suits. It did not give the plaintiff costs upon a judgment by default.

3 & 4 Will. 4. c. 42. s. 34.

But by 3 & 4 Will. 4. c. 42. s. 34., "In all "suits of *scire facias* the plaintiff obtaining judg- "ment or an award of execution shall recover "his *costs* of suit upon a judgment by default, as "well as upon a judgment after plea pleaded, or "demurrer joined."

By R. 78. H. T. 1853, "a plaintiff shall not "be allowed a rule to quash his own writ of "*scire facias* or *revivor*, after a defendant has "appeared, except on payment of *costs*."

2. Revivor. 15 & 16 Vict. c. 76. s. 129.

By the Common Law Procedure Act, 1852, s. 129, where it becomes necessary to revive a judgment, a party may sue out a writ of revivor, or apply to the Court or a Judge for leave to enter a suggestion upon the roll, and to issue execution thereupon.

s. 130.

And by sect. 130, upon such application, the Court or Judge may order whether or not the *costs* of the application shall be paid to the party making the same.

s. 131.

And by sect. 131, the rights of the parties respectively to *costs* upon proceedings by writ of revivor shall be the same as in an ordinary action.

6. *Costs of Feigned Issues: Interpleader, &c.*

When a feigned issue is tried to determine some question pending before a Court, the general rule is that the costs abide the event of the verdict upon the issue.

Where the feigned issue is composed of several counts, involving distinct questions of fact, and some issues are found for one party and some for another, each party is entitled, as a general rule, to the costs of the issue on which he succeeds, but neither party is entitled to the general costs.*

And a similar practice is adopted in the case of divisible issues.†

Inter-pleader. 1 & 2 Will. 4. c. 58. s. 1.

By 1 & 2 Will. 4. c. 58. s. 1. (Interpleader Act), the Court or Judge are empowered, in cases of feigned issues on the application of defendants, to make rules and orders therein as to *costs* as may appear to be reasonable. And by sect 6, in cases of feigned issues for the relief of Sheriffs, the *costs* of all such proceedings are in the discretion of the Court.

s. 7.

By sect. 7, all rules and orders may be entered of record to secure and enforce the payment of *costs* directed by such rule or order, and shall have the effect of a judgment, and in case any costs shall not be paid within fifteen days after notice, execution may issue for the same, together with the costs of such entry and of the execution.

23 & 24 Vict. c. 126.

By the Common Law Procedure Act, 1860, s. 14, the Court or a Judge may decide summarily in certain cases of disputed claims, and make such rules or orders as to *costs* as may be just.

Statement of Mr. Holland.

Tithe Commutation Act. 6 & 7 Will. 4. c. 71.

With respect to feigned issues under the Tithe Commutation Act (6 & 7 Will. 4. c. 71.), it is provided by sect. 6 that "the *costs* of every such "action, or of stating such case and obtaining a "decision thereon shall be in the discretion of "the Court by which the same shall be decided, "and the like execution shall be had, as if such "costs had been obtained upon a judgment of "record of the said Court."

7. *Summary Procedure on Bills and Notes.*

18 & 19 Vict. c. 67.

By sect. 1. of "The Summary Procedure on "Bills of Exchange Act, 1855," all actions on bills of exchange or promissory notes commenced within six months after the same shall have become due and payable may be by writ of summons in the special form contained in Schedule A. to the Act, and endorsed as therein-mentioned; and it shall be lawful for the plaintiff on filing an affidavit of personal service, or an order for leave to proceed, and a copy of the writ and indorsements, in case the defendant shall not have obtained leave to appear and have appeared, at once to sign final judgment in the form contained in Schedule B. to the Act for any sum not exceeding the sum indorsed on the writ, together with interest, and a sum for *costs* to be fixed by the Masters, subject to the approval of the Judges, unless the plaintiff claim more than such fixed sum, in which case the *costs* shall be taxed in the ordinary way.

The costs are fixed by R. G. M. T. 1855.

It has been held that concurrent jurisdiction in the City of London Small Debts Court under 15 Vict. c. lxxvii., on a bill for less than 20*l.* does not deprive the plaintiff of costs under this Act. (*Healey* v. *Johns*, 27 L. J. Q. B., 183.)

8.—*Costs of Proceedings in Error.*

3 Hen. 7. c. 10. 19 Hen. 7. c. 20.

By 3 Hen. 7. c. 10., enforced by 19 Hen. 7. c. 20., when judgment below was given for the *plaintiff*, and the defendant *before* execution had sued out a writ of error, if the judgment was affirmed, or the proceedings in error were discontinued, or the plaintiff in error was nonsuited, the defendant in error recovered his costs for the delay, &c.

This Act does not extend to cases where error is brought *after* execution had.

3 Jac. 1. c. 8. 13 Car. 2. stat. 2. c. 2.

By 3 Jac. 1. c. 8. extended by 13 Car. 2. s. 2. c. 2., the defendant in error had *double costs*, where the judgment was affirmed after error brought for delay by the defendant below.

8 & 9 Will. 3. c. 11.

By 8 & 9 Will. 3. c. 11. s. 2, where judgment is given for the *defendant* below and the plaintiff brings error, if the judgment be affirmed or the writ be discontinued, or the plaintiff be nonsuited, the defendant in error shall recover his *costs*.

4 Anne, c. 16.

By 4 Anne, c. 16. s. 25., upon quashing a writ of error for variance from the original record, or other defect, the defendant in error recovers such *costs* against the plaintiff in error, as he should have had if the judgment had been affirmed.

15 & 16 Vict. c. 76.

The right to costs in proceedings in error is not altered by the Common Law Procedure Act 1852,* which by sect. 143 makes the proceeding

* 6 Q. B. 225. † 2 M. and Gr. 875. * 24 L. J. Q. B. 167.

to error a step in the cause, and materially simplifies the mode of proceeding.

By the Common Law Procedure Act, 1852, sect. 159., the plaintiff in error, whether in fact or in law, may discontinue his proceedings by giving to the defendant in error a notice, and thereupon the defendant may sign judgment for the *costs* of, and occasioned by, the proceedings in error, and may proceed upon the judgment on which the error was brought.

By sects. 151 and 208., provision is made for securing the *costs* by bail in error.

By R. 69. H. T. 1853, the *costs* of proceedings in error shall be taxed and allowed as costs in the cause.

By R. 25. Pleading Rules H. T. 1853., the *costs* of proceeding in error shall be taxed and allowed as *costs* in the cause, and no double costs shall be allowed to either party.

By R. 27. Pleading Rules H. T. 1853, in no case shall error be brought for any error in a judgment with respect to costs, but the error may be amended by the Court.

17 & 18 Vict. c. 125. s. 43. By the Common Law Procedure Act, 1854, sect. 43, upon an award of a trial *de novo* by any one of the Superior Courts, or by the Court of Error, upon matter appearing upon the record, error may at once be brought, and if the judgment in such or any other case be affirmed in error, the Court of Error may adjudge *costs* to the defendant in error.

Where a judgment is *reversed*, each party pays his own costs in error, but the party who succeeds has his costs in the original action, as the Court of Error must give the same judgment which ought to have been given in the Court below.

9. *Costs of Proceedings on Appeal.*

1. Appeal under C. L. P. Acts. 17 & 18 Vict. c. 125. By the Common Law Procedure Act, 1854, ss. 34 & 35, appeal is given in certain cases on motions to enter a verdict or nonsuit or for a new trial.

By sect. 38., bail for *costs* on appeal has to be given.

By sect. 42., the Court of Appeal has power to adjudge payment of *costs* and to order restitution, and has the same powers as the Court of Error.

Vict. c. 126. By the Common Law Procedure Act, 1860, ss. 4 & 5, appeal is also given against any order made by a Judge upon an application for relief under that Act, and from the Court making any rule or order in respect of such relief.

And by sect. 11. the Court of Appeal shall have power to adjudge payment of *costs* and to order restitution.

2. Appeals from County Courts. 13 & 14 Vict. c. 61. By 13 & 14 Vict. c. 61. s. 14; and 19 & 20 Vict. c. 108. s. 68., an appeal is given in certain cases from the County Courts, and security has to be given for the *costs* of the appeal, and the Court of Appeal may make such order with respect to the *costs* of the appeal, as such Court may think proper, and such order shall be final.

3. Appeals under Registration Acts. 6 Vict. c. 18. The Registration Act, 6 Vict. c. 18. s. 42., gives an appeal in certain cases from the decision of the revising barrister.

By sect. 45., the parties to a consolidated appeal may make an agreement as to the mode of contributing among themselves to the *costs* and expenses of such appeal, and such agreement may be made a rule of Court.

By sect. 70. "It shall be lawful for the Court "(of Common Pleas) to make such order respecting the payment of the *costs* of any appeal, or "of any part of such costs, as to the said Court "shall seem meet; provided always, that it shall "not be lawful for the said Court in any case to "make any order for costs against or in favour of "any respondent, or person named as respondent, "unless he shall appear before the Court in "support of the decision of the revising barrister."

COMMON LAW COSTS, ENGLAND. — Statement of Mr. Holland.

4. Appeal from Quarter Sessions on special case. By 12 & 13 Vict. c. 45. s. 11., an appeal from a Court of General or Quarter Sessions, may, except in certain specified cases, be in the form of a special case, and the parties may agree that a judgment in conformity with the decision of the Superior Court, and for such *costs* as that Court shall adjudge, may be entered by either party at the next sessions or next but one after the decision is given.

10. *Costs upon Special Case under Common Law Procedure Acts.*

1. Questions of fact. 15 & 16 Vict. c. 76. s. 42. By the Common Law Procedure Act, 1852, s. 42., questions of *fact* may, after writ issued, and before judgment, by consent and order of a Judge, be tried without formal pleadings, and a form is given in Schedule A. to the Act of an issue.

s. 43. By sect. 43., the parties may, if they think fit, enter into an agreement in writing, that upon the finding of the jury in the affirmative or negative of such issue or issues, a sum of money fixed by the parties, or to be ascertained by the jury, shall be paid by one of such parties to the other, *either with or without the costs of the action.*

s. 44. And by sect. 44., upon the finding of the jury in any such issue, judgment may be entered for the sum agreed or ascertained, with or without *costs*, as the case may be.

2. Questions of law. By sect. 46., questions of *law* may, after writ issued and before judgment, by consent and order of a Judge, be stated by the parties in a special case for the opinion of the Court without pleadings.

s. 47. By sect. 47., the parties may, if they think fit, enter into an agreement in writing, that upon the judgment of the Court being given in the affirmative or negative of the questions of law, a sum of money fixed by the parties or to be ascertained by the Court, or in such manner as the Court may direct, shall be paid by one of such parties to the other, *with or without costs of the action*, and judgment may be entered up accordingly.

s. 48. By sect. 48., in case no agreement shall be entered into as to the *costs* of such action, the *costs* shall follow the event, and be recovered by the successful party.

In Revenue Suits. I may add that similar provision is made as to the *costs* of a special case in revenue proceedings by 22 & 23 Vict. c. 21. ss. 11 and 15.

11. *Costs of Proceedings for Attachment of Debt.*

17 & 18 Vict. c. 125. s. 67. By the Common Law Procedure Act, 1854, s. 67., the *costs* of any application for an attachment of debt under the Act, and of any proceedings arising from or incidental to such application, shall be in the discretion of the Court or a Judge.

23 & 24 Vict. c. 126. By the Common Law Procedure Act, 1860, ss. 29 and 30., where a third person has a lien on the debt, a Judge may order such person to appear before him; and after having heard him, or in case of his non-appearance, he may bar the claim of such person, or make such order as he shall think fit upon such terms as to the lien and to *costs* as he shall think fit.

Statement of Mr. Holland.

12. *Costs of Proceedings for Mandamus under Common Law Procedure Act*, 1854.

By the Common Law Procedure Act, 1854, s. 70., in any action in which a writ of mandamus is claimed, *costs* are recoverable by either party as in an ordinary action for damages.

17 & 18 Vict. c. 125. s. 70.

By sect. 74., the Court may, instead of proceeding by attachment, direct that the Act required to be done may be done by the plaintiff, and may order payment of the amount of the expenses incurred in doing the act, and *costs*.

s. 74.

By the C. L. P. Act, 1860, s. 32., in all cases in which a writ of mandamus, or of injunction, is issued under the C. L. P. Act, 1854, such suit shall, unless otherwise ordered, command the defendant to pay to the plaintiff the *costs* of preparing, issuing, and serving such writ; and payment of such costs may be enforced in the same manner as costs payable under a rule of Court.

23 & 24 Vict. c. 126. s. 32.

13. *Costs of Proceedings for Injunction under Common Law Procedure Act*, 1854.

The proceedings for an injunction under the C. L. P. Act, 1854, are by sect. 81 to be "the "same, as nearly as may be, and subject to the "like control as the proceedings to obtain a mandamus" under that Act. No further notice, therefore, is required of these proceedings.

17 & 18 Vict. c. 125. s. 81.

FIFTHLY. COSTS WHERE PARTIES SUE OR ARE SUED IN ANY PARTICULAR CHARACTER.

1. *Actions by or against Executors.*

By the old law executors and administrators, plaintiffs, were exempted from liability to costs; but by 3 & 4 Will. 4. c. 42. s. 31., in every action brought *by* any executor or administrator in right of the testator or intestate, such executor or administrator shall, unless the Court in which such action is brought, or a Judge of any of the Superior Courts, shall otherwise order, be liable to pay *costs* to the defendant in case of being non-suited, or a verdict passing against the plaintiff, and in all other cases in which he would be liable if such plaintiff were suing in his own right upon a cause of action accruing to himself; and the defendant shall have judgment for such *costs*, and they shall be recovered in like manner.

3 & 4 Will. 4. c. 42. s. 31.

In actions *against* an executor or administrator, a plaintiff is entitled to his costs by virtue of the Statute of Gloucester; but in some cases the judgment is, that they be levied *de bonis testatoris*, and if those be insufficient, then of the defendant's own proper goods. It is not within the scope of this statement to point out the cases where the judgment should be in one form or the other; but the whole subject will be found fully discussed in Gray on Costs, pp. 230–235. And it is there pointed out, when the defendant executor, or administrator, is entitled to his costs under 23 Hen. 8. c. 15., and 4 Jac. 1. c. 3. (p. 233).

By the Common Law Procedure Act, 1852, ss. 135–140, provision is made as to the right to, and liability of executors and administrators to *costs* in actions continued after the death of the parties; and by ss. 161–166, like provision is made in case of the death of either party in proceedings in error; and by ss. 190–199 in ejectment.

15 & 16 Vict. c. 76. ss. 135–140.

ss. 161–166.

ss. 190–199.

By the first set of sections the provisions of 8 & 9 Will. 3. c. 11. ss. 6 and 7., and of 17 Car. 2. c. 8. s. 1., are re-enacted and adapted.

2. *Actions relating to Bankrupts.*

Assignees of bankrupts are liable to costs, as other plaintiffs or defendants, but there are some special sections of the Bankrupt Acts, relating to costs, to which it may be well to call attention.

By 12 & 13 Vict. c. 106. s. 85., where any trader against whom an affidavit of debt is filed by any creditor, shall be summoned to appear before the Court in which such affidavit is filed, every such creditor or trader shall have such *costs* as the Court, in its discretion, shall think fit, or the Court may direct the *costs* of either party of, incident to, or attendant upon such affidavit and summons, to abide the event of any action which shall have been brought or shall thereafter be brought for the recovery of such demand, or any part thereof; and in such case such costs shall be costs in the cause, and recovered under the judgment and execution in such action.

12 & 13 Vict. c. 106. s. 85.

And by sect. 86., in every action wherein such creditor is plaintiff, and such trader is defendant, and wherein the plaintiff shall not recover the full amount of the sum for which he shall have filed an affidavit of debt as aforesaid, such defendant shall be entitled to *costs* of suit, to be taxed according to the custom of the Court in which such action shall have been brought; provided that it shall be made appear to the satisfaction of the Court in which such action is brought, upon motion to be made in Court for that purpose, and upon hearing the parties by affidavit, that the plaintiff in such action had not any reasonable or probable cause for making such affidavit of debt in such amount as aforesaid; and provided such Court shall thereupon, by rule or order, direct that such costs shall be allowed to the defendant; and the plaintiff shall, upon such rule or order being made, be disabled from taking out any execution for the sum recovered in any such action, unless the same shall exceed (and then in such sum only as the same shall exceed) the amount of the taxed costs of the defendant in such action; and in case the sum recovered in any such action shall be less than the amount of the costs to be taxed as aforesaid of the defendant, then the defendant shall be entitled, after deducting the sum of money recovered by the plaintiff in such action from the amount of his costs so to be taxed, to take out execution for such *costs* in like manner as a defendant may now by law have execution for costs in other cases.

s. 86.

By sect. 159., in every action brought against any person for anything done in pursuance of the Act, if there be a verdict for the defendant, or if the plaintiff be non-suited, or discontinue his action, or if upon demurrer judgment be given against the plaintiff, the defendant shall receive full and reasonable indemnity as to all *costs*, charges, and expenses, in and about any such action as shall be taxed by the proper officer.

s. 159.

By sect. 182., a creditor, who has brought an action against a bankrupt, in respect of a demand prior to the bankruptcy, or which might have been proved as a debt, cannot prove the debt under the bankruptcy without relinquishing such action; but he shall not be liable to the payment to such bankrupt, or his assignees, of the *costs* of such action so relinquished by him.

s. 182.

By sect. 234., in certain actions therein mentioned by or against any person acting under the bankruptcy, no proof is required at the trial of the petitioning creditor's debt, or of the trading, or act of bankruptcy, unless notice be given that

s. 234.

those matters are to be disputed; and in case such notice shall have been given, if such assignees or other person shall prove the matter so disputed, or the other party admit the same, the Judge before whom the case shall be tried may (if he think fit) grant a certificate of such proof or admission; and such assignees or other person shall be entitled to the *costs* occasioned by such notice; and such costs shall, if such assignees or other person shall obtain a verdict, be added to the costs, and if the other party shall obtain a verdict, shall be deducted from the costs which such other party would otherwise be entitled to receive from such assignees or other person.

None of the above sections are repealed by the late Bankruptcy Act, 24 & 25 Vict. c. 134.

15 & 16 Vict. c. 76. s. 142. By the C. L. P. Act, 1852, s. 142., the bankruptcy or insolvency of the plaintiff in any action which the assignees might maintain for the benefit of the creditor, shall not be pleaded in bar to such action, unless the assignees shall decline to continue, and give security for the *costs* thereof.

R. 28, H. T. 1853. By R. 28, H. T. 1853, the *costs* of filing a Judge's order for judgment against a trader defendant under the Bankrupt Act shall not be allowed, unless specially ordered by the Judge.

3. *Actions by Paupers.*

11 Hen. 7. c. 12. By 11 Hen. 7. c. 12., every poor person who may have cause of action, shall have writs according to the nature of his case, without paying for the sealing or writing the same; and the Judge of the Court in which the suit is brought shall assign him counsel and attornies, who, with the officers of the Court, shall act without fee or reward.

R. 121. H. T. 1853. And by R. 121, H. T. 1853, no fees shall be payable by a pauper to his counsel or attorney, nor at the offices of the masters or associates, or at the Judge's Chambers, or elsewhere, by reason of a verdict being found for such pauper exceeding *5l.*

This privilege is confined to plaintiffs, and cannot be granted to a defendant in a civil action in a Court of law. In cases of informations see 3 & 4 Will. 4. c. 53.

23 Hen. 8. c. 15. By 23 Hen. 8. c. 15. s. 2., every such poor person being plaintiff in any of the actions mentioned in the Act, who at the commencement of the suit shall be admitted, by discretion of the Judge or Judges, to have this process, and counsel without fee or money "shall not be compelled to "pay any *costs*, but shall suffer other punishment "as by the discretion of the Justices or Judge "before whom the suit shall depend shall be "thought reasonable."

A plaintiff may be admitted to sue as a pauper *pendente lite*, for the Statute 11 Hen. 7. c. 12. does not restrain the admission to the commencement of the suit.

R. 28, Pl. R. H. T. 1853. But it was found necessary to limit the pauper plaintiff's right to *recover* costs, and by R. 28 Plead. R. H. T. 1853, "A person admitted to "sue *in formâ pauperis* shall not in any case be "entitled to *costs* from the opposite party, unless "by order of the Court or a Judge."

R. 122, H. T. 1853. By R. 122, H. T. 1853, "When a pauper "omits to proceed to trial, pursuant to notice, "he may be called upon by a rule to show cause "why he should not pay *costs*, though he has "not been dispaupered, and why all further proceedings should not be stayed until such costs "be paid."

Sixthly. — Costs in Proceedings against Persons protected by Statute.

Common Law Costs, England. — Statement of Mr. Holland.

There are numerous Acts of Parliament, as well private, as local and personal, public, and general, extending from a very early period down to the present time, with special provisions in them for the protection of officers and parties in the performance of the several duties imposed upon them by such Acts.

It would be impossible within the limits of this statement to enumerate them all, nor would it serve any useful purpose to do so, inasmuch as the provisions in the different Acts are very similar to each other, requiring, in the great majority of the cases, that previous notice of the action should be given; that the action should be brought within a certain period of time after the performance of the act complained of, and should be laid with a certain venue; and further providing that the defendant may tender or pay into Court a sum of money by way of amends; and that if the defendant succeed he shall be entitled to certain costs.

I propose to call attention to a few of the most important of the Statutes.

1. *Actions against Justices of the Peace.*

11 & 12 Vict. c. 44. s. 13. By 11 & 12 Vict. c. 44., "An Act to protect "Justices of the Peace from vexatious actions for "acts done by them in execution of their office," it is by sect. 13 provided, that in all cases where the plaintiff in any action brought against any Justice of the Peace for anything done by him in the execution of his office, shall be entitled to recover, and shall prove the levying or payment of any penalty or sum of money under any conviction or order as parcel of the damages he seeks to recover, or if he prove that he was imprisoned under such conviction or order, and shall seek to recover damages for any such imprisonment, he shall not be entitled to recover the amount of such penalty or sum so levied or paid, or any sum beyond the sum of two pence as damages for such imprisonment, *or any costs of suit whatsoever*, if it shall be proved that he was actually guilty of the offence of which he was so convicted, or that he was liable by law to pay the sum he was so ordered to pay; and (with respect to such imprisonment) that he had undergone no greater punishment than that assigned by law for the offence of which he was so convicted, or for non-payment of the sum he was so ordered to pay.

s. 24. And by sect. 14., if the plaintiff in any such action shall recover a verdict, or the defendant shall allow judgment to pass against him by default, such plaintiff shall be entitled to *costs* in such manner as if this Act had not been passed; or if in such case it be stated in the declaration, or in the summons and particulars in the County Court, if he sue in that Court, that the act complained of was done maliciously, and without reasonable and probable cause, the plaintiff, if he recover a verdict for any damages, or if the defendant allow judgment to pass against him by default, shall be entitled to his *full costs of suit, to be taxed as between attorney and client;* and in every action against a Justice of the Peace for anything done by him in the execution of his office, the defendant, if he obtain judgment upon verdict or otherwise, shall, in all cases, be entitled to *his full costs* in that behalf, *to be taxed as between attorney and client.*

There is some difficulty, as pointed out by Mr. Gray in his book on costs (p. 245), in reconciling these two sections so far as relates to costs.

Statement of Mr. Holland.

The earlier sections in the Act limit the plaintiff's right to recover by certain conditions, and in any of these cases where the plaintiff is not entitled to recover, the defendant, being entitled to judgment, has his full costs as between attorney and client under sect. 14.

s. 11.

By sect. 11 it is provided that a Justice may, after notice of action given him under sect. 9, and before the commencement of the action, tender a sum of money as amends, and after such action has commenced and before issue joined, he may pay a sum of money into Court, and if the jury at the trial shall be of opinion that the plaintiff is not entitled to damages beyond the sum so tendered or paid into Court, then they shall give a verdict for the defendant, and the plaintiff shall not be at liberty to elect to be nonsuit, and the sum of money, if any, so paid into Court, or so much thereof as shall be sufficient to pay or satisfy the defendant's *costs* in that behalf shall thereupon be paid out of Court to him, and the residue, if any, shall be paid to the plaintiff; or if, where money is so paid into Court in any such action, the plaintiff shall elect to accept the same in satisfaction of his damages in the said action, he may obtain from any Judge of the Court in which such action shall be brought an order that such money shall be paid out of Court to him, and that the defendant shall pay him his *costs* to be taxed, and thereupon the said action shall be determined, and such order shall be a bar to any other action for the same cause.

2. *Actions against Constables, Mayors, Officers, &c.*

7 Jac. 1. c. 5. 21 Jac. 1. c. 12.

By 7 Jac. 1. c. 5. (made perpetual by 21 Jac. 1. c. 12.), in actions on the case, trespass, battery, or false imprisonment brought against any mayor or bailiff of city or town corporate, headborough, portreve, constable, tithingman, collector of subsidy, churchwardens, overseers of the poor, or their deputies, or any of them, for anything done by virtue or reason of their office, if the verdict shall pass for the defendant or defendants in any such action, or the plaintiff become nonsuit, or suffer any discontinuance thereof, the defendant or defendants shall have *double costs* [*i.e.*, since 5 & 6 Vict. c. 97. s. 2., full and reasonable indemnity as to all costs, charges, and expenses].

By 7 Jac. 1. c. 5., to entitle a defendant to full costs he must get a certificate from the Judge who tried the cause.

24 Geo. 2. c. 44. s. 6.

By 24 Geo. 2. c. 44. s. 6., it is provided that in certain cases where an action is brought against a constable or other officer, or person acting by his order in obedience to any warrant of a Justice of the Peace, and the Justice is joined as a defendant, if the verdict be against the Justice, but for the constable or officer or other person, upon proof of the warrant, the Justice shall pay to the plaintiff as well his *costs* in the action, *as, also such costs as the plaintiff is liable to pay to the other defendant.*

Special Constables. 1 & 2 Will. 4. c. 41. s. 19.

By 1 & 2 Will. 4. c. 41. s. 19 (relating to special constables), in all actions and prosecutions commenced against any person for anything done in pursuance of the Act, the defendant may tender amends, and pay a sum into Court, and if the defendant obtains a verdict, or if the plaintiff is nonsuited or discontinues, or has judgment against him on demurrer or otherwise, "the defendant shall have *his full costs as between attorney and client*, and though a verdict shall be given for the plaintiff in such action, such plaintiff shall not have costs against the defendant unless the Judge before whom the trial shall be had shall certify his approbation of the action and of the verdict obtained thereupon."

Parish and Borough Constables, and County Police.

Parish constables appointed under 5 & 6 Vict. c. 109. have the same privileges as other constables (s. 15.), and Borough constables have the like privileges under 5 & 6 Will. 4. c. 76. s. 76. County police, under 2 & 3 Vict. c. 93. s. 8., are on the same footing as to costs as the special constables under 1 & 2 Will. 4. c. 41.

Metropolitan Police.

By 10 Geo. 4. c. 44. and 2 & 3 Vict. c. 71. s. 53. similar provisions are made for the Metropolitan Police Magistrates and the Metropolitan Police.

3. *Revenue Officers, &c.*

16 & 17 Vict. c. 107. s. 312.

By 16 & 17 Vict. c. 107. s. 312., in case any information or suit is tried for any cause of forfeiture, and a verdict is found for the claimant, and it appears to the Judge that there was a probable cause of seizure, such Judge shall certify on the record that there was such probable cause; and in case any *action*, indictment, or other proceeding shall be brought to trial against any person whomsoever on account of any seizure, and a verdict shall be given for the plaintiff, if the Court or Judge before whom such action or proceeding shall be tried shall certify on the record that there was probable cause for such seizure, then the plaintiff shall not be entitled to more than twopence damages, nor to any *costs*, nor shall the defendant or defendants in such prosecution be fined above one shilling.

ss. 313–317.

By ss. 313–317 provision is made for the *costs* of the defendant in case of the plaintiff not proving notice of action, or in case the jury find the amends tendered by the defendant sufficient, or in case the plaintiff in any such action is nonsuited, or discontinues, or if upon a verdict or demurrer judgment is given against him.

See also as to officers of Excise, 7 & 8 Geo. 4. c. 53. ss. 114–119.; 16 & 17 Vict. c. 107. ss. 313–317.

4. *County Court Officers.*

9 & 10 Vict. c. 95. s. 139.

By 9 & 10 Vict. c. 95. s. 139., there was special provision made disentitling the plaintiff, in an action against a clerk or officer of the Court for any grievance committed *under colour of process*, to *costs* if he did not recover more than 20*l.* damages.

19 & 20 Vict. c. 108. s. 2.

But this section has been repealed by 19 & 20 Vict. c. 108. s. 2.

15 & 16 Vict. c. 54. s. 6.

By 15 & 16 Vict. c. 54. s. 6., in any action brought against any person for anything done in pursuance of this Act, or of any other Act relating to County Courts, if the plaintiff shall have a verdict pass against him, be nonsuit, or discontinue the action, the defendant shall in any of the said cases be allowed *full costs as between attorney and client.*

13 & 14 Vict. c. 61. s. 19.

And by 13 & 14 Vict. c. 61, s. 19. no action shall be brought against any High Bailiff or Bailiff or any person acting by the order of the High Bailiff for anything done in obedience to any warrant under the hand of the clerk of the Court, until a demand has been made of perusal and copy of the warrant; and if it be given, the clerk must be made a defendant, and if the Bailiff, &c. is joined as a defendant with the clerk, the Bailiff, &c. on

proof of the warrant is entitled to a verdict, and if the verdict be against the clerk, the plaintiff may have his *costs* taxed so as to include those he is liable to pay to the Bailiff, &c.

5. *Officers, &c. called on by Mandamus to admit, &c.*

1 Will. 4. c. 21. s. 4.

By 1 Will. 4. c. 21. s. 4., provision is made for the protection against the payment of damages or *costs* of officers and other persons who are called upon by writs of *mandamus* to admit to offices, or do other matters in respect whereof such officers, &c. claim no right or interest, or whose functions are merely ministerial.

6. *Criminal Law Acts.*

24 & 25 Vict. c. 96. 24 & 25 Vict. c. 97. 24 & 25 Vict. c. 99.

By the Criminal Law Acts 24 & 25 Vict. c. 96. s. 113. (Larceny); 24 & 25 Vict. c. 97. s. 71. (Malicious Injury to Property); and 24 & 25 Vict. c. 99. s. 33. (Coin); there are provisions made that in all actions and prosecutions against any person for anything done in pursuance of the said respective Acts, if a verdict shall pass for the defendant, or if the plaintiff shall be nonsuited, or discontinue such action, or have judgment against him, upon demurrer or otherwise, the defendant shall recover his *full costs as between attorney and client*, and though a verdict shall be given for the plaintiff in any such action, he shall not have *costs* against the defendant, unless the Judge before whom the trial shall be shall certify his approbation of the action.

7. *Other Cases of Officers, &c.*

Without setting forth the sections, I may briefly refer, in conclusion, to the cases, among others, of protection granted to Bailiffs of Local Courts, 7 Vict. c. 19.; to officers acting in bankruptcy, 12 & 13 Vict. c. 106., ss. 107. 159.; to persons acting under the Highway Act, 5 & 6 Will 4. c. 50, s. 109.; of Commissioners, &c. under the Poor Law Act, 4 & 5 Will. 4. c. 76. s. 104.; and to persons under a Board of Health, 11 & 12 Vict. c. 63. s. 139.

Seventhly.—Costs of Proceedings in other Proceedings than Actions.

1. *Mandamus.*

Formerly there was no law to give costs in any case except the costs of an action for a false return.

9 Anne, c. 20.

But by 9 Anne, c. 20., power is given on certain writs of *mandamus* relating to offices and franchises to plead to a return, and to reply, &c. and such proceedings are to be had thereon as in an action on the case for a false return, and the issues on such proceedings are to be tried as issues in such action on the case for a false return; "and in case a verdict "shall be found for the person suing the writ, or "judgment given for him upon a demurrer, or by "*nil dicit*, or for want of a replication or other "pleading, he shall recover his damages and *costs*, "as in such action on the case, such costs and "damages to be levied by *capias ad satisfaciendum*, *fieri facias*, or *elegit*, and a peremptory "writ of *mandamus* shall be granted without "delay, &c.; and in case judgment shall be given "for the person making such return to such writ, "he shall recover his *costs* of suit to be levied in "manner aforesaid."

1 Will. 4. c. 21. s. 3.

By 1 Will. 4. c. 21. s. 3., the enactments of 9 Anne, c. 20. are extended and made applicable to all other writs of *mandamus* and the proceedings thereon.

Common Law Costs, England. — Statement of Mr. Holland.

s. 6.

By sect. 6, the *costs* of every application for any writ of *mandamus*, whether the writ shall be granted or refused, and also the *costs* of the writ, if the same shall be issued and obeyed, are in the discretion of the Court, and the Court may direct by whom and to whom the same shall be paid.

6 & 7 Vict. c. 67.

By 6 & 7 Vict. c. 67. s. 1., objections to the return are to be taken by demurrer, and *costs* are given to the successful party.

17 & 18 Vict. c. 125. s. 77.

By the Common Law Procedure Act, 1854, s. 77., the provisions of the Common Law Procedure Acts of 1852 and 1854 are to apply to the pleadings and proceedings upon a prerogative writ of *mandamus*. The prosecutor is, therefore, now entitled to costs of issues found for him, which he could not have under 9 Anne, c. 20. unless he succeeded on the whole.

1 Will. 4. c. 21. s. 4.

By 1 Will. 4. c. 21. s. 4., provision is made for the protection against the payment of damages or *costs* of officers and other persons who are called upon by writs of *mandamus* to admit to offices or do other matters, in respect whereof such persons claim no right or interest, or whose functions are merely ministerial.

2. *Prohibition.*

8 & 9 Will. 3. c. 11. s. 3.

By 8 & 9 Will. 3. c. 11. s. 3., in all suits upon prohibitions, the plaintiff obtaining judgment, or any award of execution after plea pleaded, or demurrer joined, shall likewise recover his *costs* of suit; and if the plaintiff shall become nonsuit or suffer a discontinuance, or a verdict shall pass against him, the defendant shall recover his *costs*.

1 Will. 4. c. 21. s. 1.

By 1 Will. 4. c. 21. s. 1., alterations were made in the practice, procedure, and pleadings under a writ of prohibition, and it is provided that "the "party in whose favour judgment shall be given, "whether on nonsuit, verdict, demurrer, or "otherwise, shall be entitled to the *costs* attending the application and subsequent proceedings, "and have judgment to recover the same; and "in case a verdict shall be given for the party "plaintiff in such declaration, it shall be lawful "for the jury to assess damages; but such assessment shall not be necessary to entitle the plaintiff to *costs*."

3. *Quo Warranto.*

9 Anne, c. 20. s. 5.

By 9 Anne, c. 20. s. 5., in the case of any information in the nature of a *quo warranto* for usurping, &c.. the offices of mayors, bailiffs, and other offices within cities, &c., the Court may give judgment that the relator shall recover his *costs* of such prosecution; and if judgment be given for the defendant in such information, he shall recover his *costs* therein expended against such relator.

32 Geo. 3. c. 58. s. 1.

By 32 Geo. 3. c. 58. s. 1., the defendant is empowered to plead, singly, or with other pleas, a plea that he had first taken the office, or held it, more than six years before the exhibiting of the information; and if upon the trial of such information the issue on such plea is found for the defendant, he is entitled to judgment and to such *costs* as he would have been entitled to if a verdict or judgment had been given for him upon the merits of his title.

s. 2.

And by sect. 2., the prosecutor may reply to such plea, forfeiture, surrender, or avoidance by the defendant within six years, whereon the defendant may take issue, and be entitled to *costs* in manner aforesaid.

4. *Costs on Indictments, Orders, &c. removed by Certiorari.*

1. Indictments.

Neither the prosecutor nor the defendant are independently of Acts of Parliament, entitled to costs the one from the other, when an indictment has been removed into the Court of Queen's Bench.

5 & 6 Will. & Mary, c. 11.

By 5 & 6 Will. & Mary, c. 11., *costs* were given to the prosecutor in certain cases where the *defendant* removed the indictment and was convicted.

16 Vict. c. 30. s. 5.

But that Act is rendered nugatory by the later Act 16 Vict. c. 30. By sect. 5., whenever any writ of certiorari to remove an indictment into the Queen's Bench is awarded at the instance of a *defendant*, the recognizance is to contain a provision that the defendant, if convicted, shall pay to the prosecutor his *costs* incurred subsequent to the removal of such indictment; and if awarded at the instance of the *prosecutor*, the prosecutor is to enter into a recognizance, with the condition that the prosecutor shall pay to the defendant, in case he be acquitted, his *costs* incurred subsequent to such removal.

s. 6.

By sect. 6, provision is made for the recovery of the *costs* of a suit by attachment, and estreatment of the recognizance into the Exchequer.

With regard to the removal of indictments for not repairing *highways*, the Court may award costs to the prosecutor, to be paid by the defendant, if it appear to the Court that the defence made was frivolous or vexatious.

See 5 & 6 Will. 4. c. 50. s. 98., 13 Geo. 3. c. 78. s. 69., 43 Geo. 3. c. 59. s. 1., which apply to cases where the indictment has been removed by certiorari. (Gray on Costs, 460.)

For costs upon removal of indictment for a *nuisance* in the construction or negligent use of steam furnaces, see 1 & 2 Geo. 4. c. 41. s. 1. (Gray on Costs, 463.)

2. Orders of Justices. 5 Geo. 2. c. 19. s. 2.

By 5 Geo. 2. c. 19. s. 2., no certiorari shall be allowed to remove any judgment or order given or made by any Justice of the Peace, unless the party prosecuting such certiorari enter into a recognizance conditioned, amongst other things, to pay the party in whose favour such judgment or order was made, within one month after the said judgment or order shall be confirmed, their full *costs* and charges, to be taxed according to the course of the Court where such judgment or order is confirmed.

s. 3.

By sect. 3. provision is made for the recovery of the costs by an attachment.

Mr. Gray (p. 466) refers to certain Acts containing similar provisions, as 4 & 5 Will. 4. c. 76. s. 107. (Poor Law Commissioners); 7 Will. 4. & 1 Vict. c. 69. (Tithe Commissioners); 7 Will. 4. & 1 Vict. c. 78. s. 44. (Orders of Town Councils).

5. *Criminal Informations.*

4 & 5 Will. & Mary, c. 18.

By 4 & 5 Will. & Mary, c. 18. s. 2., a recognizance is required from any person procuring a criminal information to be filed; and in case an information is pleaded to, but the prosecutor does not, within one year after issue joined, procure the same to be tried, or if, upon such trial, a verdict pass for the defendant, or a *noli prosequi* is entered, then in any of the said cases, the Court may award to the defendant his *costs*, unless the Judge at the trial, in open Court, certify upon record that there was a reasonable cause for exhibiting such information; and if the informer does not pay within three months after costs taxed and demand thereof made, the defendant shall have the benefit of the recognizance.

Defamatory libel. 6 & 7 Vict. c. 96. s. 8.

By 6 & 7 Vict. c. 96. s. 8., in the case of any indictment or information by a private prosecutor, for the publication of a defamatory libel, if judgment is given for the defendant, he may recover from the prosecutor the *costs* sustained by him by reason of such indictment or information; and upon a special plea of justification, if the issue be found for the prosecutor, he may recover from the defendant the *costs* sustained by reason of such plea.

6 *Costs in Revenue Suits and Proceedings.*

Formerly, except in certain special cases provided by Statute (*e. g.*, in suits under Customs Acts, 16 & 17 Vict. c. 107. s. 263.), in proceedings instituted by the Crown in revenue matters, no costs were recovered by the Crown or paid by the Crown to the subject. But by 18 & 19 Vict. c. 90. s. 1., in all informations, actions, suits, and other legal proceedings before any Court, by or on behalf of the Crown, against any corporation or person, in respect of any lands, goods, sums of money, &c. belonging, or accruing, or due to the Crown, the Crown shall be entitled to recover *costs*, where judgment is given for the Crown, as in proceedings between subject and subject. 18 & 19 Vict. c. 90.

And by section 2, in any such suit, &c., if judgment be given against the Crown, the defendant shall be entitled to recover *costs* in like manner.

And by 22 & 23 Vict. c. 21. s. 21. the *costs* of all suits, informations, and other proceedings, and of any interlocutory matter or proceeding on the Revenue Side of the Court of Exchequer, may be adjudged and ordered between the Crown and the subject, on the same principle as such costs are now allowed between subject and subject. 22 & 23 Vict. c. 21.

7. *Proceedings under Railway and Canal Traffic Act.*

17 & 18 Vict. c. 31.

By 17 & 18 Vict. c. 31. s. 3., power is given to parties complaining that reasonable facilities for forwarding traffic, &c. are withheld, or of undue preference, &c., to proceed by motion or summons against a company; and in any such proceeding the Court or a Judge may order that all or any *costs* thereof, or incurred therein, may be paid by or to one party or the other, as such Court or Judge shall think fit.

EIGHTHLY.—GENERAL LAW AS TO COSTS ALTERED BY STATUTE.

Double and Treble Costs, and Costs as between Attorney and Client.

There were numerous Statutes that gave double or treble costs, either expressly or impliedly, by giving double or treble *damages;* and others that gave costs as between attorney and client.

5 & 6 Vict. c. 97. s. 1.

But by 5 & 6 Vict. c. 97. s. 1., so much of any clause in any Act or Acts commonly called public local and personal, or local and personal, or in any Act or Acts of a local or personal nature, whereby it is enacted or provided that either double or treble *costs*, or any other than the usual costs between party and party, shall or may be recovered, is repealed: Provided always, that in lieu thereof the usual *costs* between party and party shall and may be recovered, and no more.

s. 2.

By section 2, so much of any clause in any public Act or Acts not local or personal, whereby it is enacted or provided that either double or

treble *costs*, or any other than the usual costs between party and party shall or may be recovered, is repealed: Provided always, that instead of such *costs* the party or parties heretofore entitled under such last-mentioned Acts to such double, treble, or other costs shall receive such full and reasonable indemnity as to all costs, charges, and expenses incurred in and about any action, suit, or other legal proceeding, as shall be taxed by the proper officer in that behalf, subject to be reviewed in like manner and by the same authority as any other taxation of costs by such officer.

See Gray on Costs, 182.

It may be questioned whether this Act includes cases where double or treble costs are only given impliedly; and it does not extend to Acts which give a party a right of action to recover double or treble the amount of damage actually sustained.

The following list of some of the Acts which gave double, treble, or other than usual costs, is taken from Gray on Costs, 183, and Tidd's Practice:—

7 Jac. 1. c. 5. and 21 Jac. 1. c. 12. s. 5.; 11 Geo. 2. c. 19. ss. 21. and 22.; 23 Geo. 2. c. 33. ss. 18 and 19.; 24 Geo. 2. c. 44. s. 7.; 1 Geo. 4. c. 87. s. 6.; and 6 Geo. 4. c. 50. give *double costs* in certain cases.

18 Geo. 2. c. 20. s. 8.; 2 Geo. 3. c. 19. s. 5.; 23 Geo. 3. c. 70. s. 34.; 24 Geo. 3. sess. 2. c. 47.; 28 Geo. 3. c. 37. s. 23.; 43 Geo. 3. c. 99. s. 70.; 7 & 8 Geo. 4. c. 53. s. 115.; 5 & 6 Will. 4. c. 83. s. 3.; and 1 & 2 Vict. c. 110. s. 110. give *treble costs.*

7 & 8 Geo. 4. cc. 29 and 30.; 10 Geo. 4. c. 44.; 1 & 2 Will. 4. c. 41. s. 19.; 5 & 6 Will. 4. c. 50. s. 109.; 5 & 6 Will. 4. c. 76. s. 133.; and 2 & 3 Vict. c. 71. s. 53. give *costs as between attorney and client.*

Some Acts have been passed since 5 & 6 Vict. c. 97., which provide for the payment of treble and double costs, and costs as between attorney and client.

8 & 9 Vict. c. 87. s. 121., gives *treble costs* in actions against revenue officers.

8 & 9 Vict. c. 100. s. 105., gives *double costs* to defendants in actions about the care of lunatics.

9 & 10 Vict. c. 95. s. 129.; 11 & 12 Vict. c. 44. s. 14.; 15 & 16 Vict. c. 44. s. 81.; 15 & 16 Vict. c. 54. s. 6., all give *costs as between attorney and client.*

Ninthly.—Taxation of Costs.

7 Will. 4. & 1 Vict. c. 30.

By 7 Will. 4. & 1 Vict. c. 30. s. 23., the Masters of the Superior Courts are empowered to tax all bills of costs in cases of a civil nature in any of the said Courts; and the Judges are required to make regulations for the purpose of enforcing uniformity of practice in the allowance of costs.

As there are no statutes which regulate the *practice* of taxation, it is only necessary to state that directions to the Masters (in lieu of the directions previously in force) were issued in Hilary Term, 1853; and that Rules 59, 60, 61, H. T., 1853, also apply to the practice of taxation.

Costs of Taxation. 15 & 16 Vict. c 76. ss. 8 & 27. 6 & 7 Vict. c. 73. s. 37.

As regards the *costs of taxation* in cases between party and party, the plaintiff's attorney is rendered liable to pay the costs of taxation in certain cases, by the C. L. P. Act, c. 76. ss. 8 and 27.; and R. 1. H. T. 1853. And the *costs of taxation* in cases between attorney and client are regulated by 6 & 7 Vict. c. 73. s. 37. which also provides for the delivery of a signed *bill of costs* by the attorney or solicitor in all cases, and for the reference of such bill to the officer of the Court to be taxed.

Set off of Costs.

By R. 63. H. T. 1853, "No set-off of damages "or *costs* between parties shall be allowed, to "the prejudice of the attorney's lien for costs in "the particular suit against which the set-off is "sought; provided, nevertheless, that interlocutory *costs* in the same suit awarded to the "adverse party may be deducted."

Tenthly.—Mode of recovering Costs in general.

Upon a *judgment* for costs, either alone or with a sum recovered in the action, execution may be awarded and issue, just as in any other case.

1 & 2 Vict. c. 110. s. 18.

By 1 & 2 Vict. c. 110. s. 18., all *rules* of Courts of Common Law whereby any *costs*, &c., are made payable to any person, are to have the effect of judgments in the Superior Courts of Common Law; and the persons to whom any such costs are payable, are deemed creditors within the meaning of the Act; and all remedies thereby given to judgment creditors are given to such persons.

As before stated, actions by attorneys and solicitors to recover costs, are regulated by 6 & 7 Vict. c. 73.

Lastly, I may mention, that a table of the costs allowed in the Superior Courts will be found in the Appendix at the end of Chitty's Archbold.

(Signed) H. T. Holland.

VI.—Summary of Principal Differences as to Costs in the Superior Courts of England and Ireland.

[3 November 1864.]

As to the right of Plaintiffs to costs in Actions.

Right of Plaintiffs to Costs.

First. In Actions on Tort.

First. *Actions on Tort.*

We will consider first the right of a plaintiff to costs in actions on *tort*; and it will be convenient to divide this branch of the subject into two heads. 1. Where the plaintiff recovers less than 40*s.* 2. Where the plaintiff recovers a sum not exceeding 5*l.*

1. Where Verdict for less than 40*s.*

1. *Where the Plaintiff recovers less than* 40*s.*

Owing to the wording of the County Court Acts, and the limit of 5*l.* fixed in those Acts, it will be desirable to consider, first, the position of a plaintiff, *without reference to the County Court Acts.*

In action for *slanderous words.* The position of the plaintiff is the same in *England* and *Ireland.* See Mr. Holland's Statement, p. 223, and Mr. Jellett's Statement, p. 211.

Slander.

In actions for *Assault and Battery.*

Assault and Battery.

In *England* the plaintiff can have no costs, unless he obtains a certificate under 3 & 4 Vict. c. 24. s. 2, that the action was really brought to try a right besides the mere right to recover damage for the trespass or grievance for which the action was brought, or that the trespass or grievance was wilful and malicious.

In *Ireland* the plaintiff recovers no more costs than damages, unless the Judge certifies that the assault and battery was sufficiently proved.

We may observe that this certificate is similar to the one formerly required in *England* by 22 & 23 Car. 2. c. 9. s. 136, which Act was however repealed by 3 & 4 Vict. c. 24

Trespass to land.

In Actions for *Trespass to Land.*

In *England* the plaintiff can have no costs, unless the Judge certifies under 3 & 4 Vict. c. 24. s. 2 (see *ante* for form of certificate), *or* unless it be suggested on the record that the action was for a trespass over lands, &c., after notice given not to trespass (3 & 4 Vict. c. 24. s. 3). See Mr. Holland's Statement, p. 221.

In *Ireland* the Judge certifies that the freehold or title to the land was chiefly in question, or that the trespass was voluntary or malicious.

There is no provision corresponding to sect. 3 of 3 & 4 Vict. c. 24., under which the plaintiff can suggest on the record that the action was for trespass after notice; but the service of such a notice would be a fact from which a Judge would certify that the trespass was voluntary or malicious.

Other *Actions on Tort.*

In *other Actions on Tort*, as Libel, Malicious Prosecution, Crim. Con., Seduction, &c.

In *England* a certificate is necessary to entitle the plaintiff to costs under 3 & 4 Vict. c. 24.

In *Ireland* there is no corresponding provision, and the plaintiff recovers full costs, though he recovers by verdict less than 40*s.*

The effect of the County Court Acts upon cases where the plaintiff recovers less than 40*s.* will be seen below, as such cases fall of course within the limit of 5*l.* fixed by those Acts.

2. Where Verdict for 5*l.*

2. *Where the Plaintiff recovers a sum not exceeding 5l.*

In *England* in all actions on *tort* (except an action for malicious prosecution, or slander, or libel, or criminal conversation, or seduction), except in the case of a judgment by default, where the plaintiff recovers a sum not exceeding 5*l.*, he gets no costs, unless he obtains a certificate from the Judge who tries the cause, under 13 & 14 Vict. c. 61. s. 12, that it appeared to him at the trial that the cause of action was one for which a plaint could not have been entered in the County Court, or that there was a sufficient reason for bringing the action in the Court in which it was brought, *or* unless he obtains an order from the Court or a Judge for his costs under 15 & 16 Vict. c. 54. s. 4 (see Mr. Holland's Statement, p. 222).

In the case of a judgment by default in actions on *tort*, the plaintiff is entitled to costs as if the County Court Acts had not passed.

In *Ireland* in actions for any wrong or injury disconnected with contract, (*except replevin*, or for slander, libel, malicious prosecution, seduction, or criminal conversation) in cases in which the plaintiff and defendant reside within the jurisdiction of the same County Court in which the cause of action has arisen, the plaintiff who recovers a sum *not exceeding* 5*l.* is not entitled to any costs, unless the Judge certifies under the I. C. L. P. Act, 1856, s. 97, that the case could not have been tried in the County Court, or that although capable of being tried there, it was a fit case to try in the Superior Courts, or in cases where there is no trial, unless the Court or a Judge make an Order to the like effect.

In the class of cases mentioned in the last paragraph, if the parties reside within the jurisdiction of different County Courts, the plaintiff who recovers a sum not exceeding 5*l.* is not entitled to more than *half* the ordinary costs, unless the action has been brought for the purpose of trying a right to property more extensive than the sum sued for (I. C. L. P. Act, 1853, s. 243). And by the 103 G. O., Jan. 1854, the Judge shall on the application of the plaintiff determine whether the plaintiff is entitled to full costs; such application to be made at the conclusion of the Assizes or Sittings, and the order of the Judge to be endorsed on the record. The circumstance of the judgment being by default makes no difference in the taxation of costs in this class of actions.

23 & 24 Vict. c. 126. s. 34.

In *England* the position of the plaintiff as to costs in actions on tort, is further altered by sect. 34 of the C. L. P. Act, 1860.

By that Act, "when the plaintiff in any action "for an alleged *wrong* recovers by the verdict of "a jury less than *five pounds*, he shall not be "entitled to recover or obtain from the defendant "any costs whatever in respect of such verdict, "whether given upon any issue tried or judgment "passed by default, in case the Judge or presiding Officer before whom such verdict is "obtained shall immediately afterwards certify on "the record, or writ of trial, or inquiry, that the "action was not really brought to try a right "besides the mere right to recover damages, and "that the trespass or grievance in respect of "which the action was brought was not wilful "and malicious, *and* that the action was not fit to "be brought."

The effect of this section is that in the specified cases the Judge may certify to *deprive*, and it imposes, therefore, an additional restriction upon the plaintiff's right to recover costs.

In *Ireland* there is no corresponding provision, nor is there in fact any certificate to *deprive* the plaintiff of costs.

Secondly. *In Actions on Contract.*

Secondly: *Actions on Contract.*

1. Breach of Promise of Marriage.

1. In actions for *Breach of Promise of Marriage.*

In *England* if the verdict is for less than 40*s.*, the plaintiff is entitled to his full costs, unless the Judge certifies to deprive him of them (43 Eliz. c. 6. s. 2); but if he gets less than 40*s.* in such action on an assessment of damages on judgment by default, or on an assessment of damages under a writ of inquiry, he is entitled to his costs, as 43 Eliz. c. 6. does not apply to such cases.

In *Ireland* the plaintiff is entitled to full costs in all cases.

2. Other actions on contracts and detinue.

2. In all other actions on *Contract* and in *Detinue.*

In *England* where the plaintiff recovers a sum not exceeding 20*l.*, whether upon trial, or writ of inquiry after judgment on demurrer, or upon judgment by default, he gets no costs, unless he obtains a certificate under 13 & 14 Vict. c. 61. s. 12, or an order under 15 & 16 Vict. c. 54. s. 4, or under 19 & 20 Vict. c. 108. s. 30, or under R. G. E. T. 1857.

For the forms of the certificate and orders, and for the rule, see Mr. Holland's Statement, p. 222.

In *Ireland* where the plaintiff recovers a sum less than 20*l.*, and the parties both reside within the jurisdiction of the same County Court, in which the cause of action has arisen, he is not entitled to

Common Law Costs.

Summary of Principal Differences as to Costs in Superior Courts of England and Ireland.

any costs, unless the Judge certifies that the case could not have been tried in the County Court, or that, though capable of being tried there, it was a fit case to try in the Superior Courts, or in cases where there is no trial, unless the Court or a Judge make an order to the like effect.

And if the parties reside in different County Court jurisdictions, the plaintiff is only entitled to recover *half* the usual costs, *unless the action has been brought for the purpose of trying a right of property more extensive than the sum sued for.* It is doubtful whether the words in italics are intended to apply to actions of contract merely.

Actions not exceeding 20*l.*

In *England* there are certain other limitations to the plaintiff's right to recover costs in the Superior Courts imposed by 3 & 4 Will. 4. c. 42. s. 17, and by directions issued in 1853 to the Masters of the Courts. These are fully set forth in Mr. Holland's Statement, p. 224.

In *Ireland* there are no corresponding limitations. But in cases of separate actions brought against different parties upon the same Bill of Exchange or Promissory Note, there are certain limitations as to the costs of such actions imposed by General Orders. These are set forth in Mr. Jellett's Statement, p. 211.

As to staying proceedings in *England* in such cases, see R. 24, H. T. 1853 (Mr. Holland's Statement, p. 229).

Right of Defendants to costs.

As to the right of *defendants* to costs in actions.

There is no substantial difference as regards the right of defendants to costs, and, therefore, we need only refer to pp. 224, 225 of Mr. Holland's Statement, and p. 212 of Mr. Jellett's Statement.

Judgment by Default.

Judgment by Default.

In *England* there are special provisions made by the C. L. P. Act, 1852, ss. 27 and 28, and R. 1, H. T. 1853, to meet the case of judgment signed upon non-appearance by the defendant, where a writ has been specially indorsed. (See Mr. Holland's Statement, p. 225.)

In *Ireland* there are no corresponding provisions.

Where there are several Issues.

Several Issues.

In *England* there are special rules (Pleading Rules 1, 2, 3, H. T. 1853) as to the costs where there are several counts on the same cause of action, or several pleas, replications, &c., founded on the same ground of answer or defence. (See Mr. Holland's Statement, pp. 225 and 226.)

In *Ireland* a special provision is made for such cases by ss. 57 and 90 of the I. C. L. P. A. 1853. (See Mr. Jellett's Statement, p. 212.)

Where new trial granted.

New Trial.

In *England* by R. 54, H. T. 1853, if a new trial be granted without any mention of costs in the rule, the costs of the first trial shall not be allowed to the successful party, though he succeed on the second.

In *Ireland* there is no corresponding rule.

Discontinuance after Plea.

Discontinuance after Plea.

In *England* by R. 22, Pleading Rules, H. T. 1853, a plaintiff may confess a plea containing a defence arising *after* the commencement of the action, and thereupon he shall be entitled to the costs of the cause up to the time of pleading such plea.

And by R. 23, Pleading Rules, H. T. 1853, where a plea is pleaded with an allegation that the matter of defence arose *after* the last pleading, the plaintiff shall be entitled to confess such plea, and shall be entitled to the costs of the cause up to the time of pleading such plea.

By R. 23, H. T. 1853, the rule to discontinue after plea shall contain an undertaking by the plaintiff to pay the costs, and a consent that if not paid within four days after taxation defendant may sign judgment of *non pros.*

These rules do not apply to the case of such plea pleaded by one or more only of several defendants.

In *Ireland* there is no rule corresponding to the rule 23 H. T. 1853. By rule 66 H. T. 1854, the plaintiff may enter a rule to discontinue on payment of costs, which may then be taxed and enforced under the rule. Or if a new action be commenced for the same subject matter before the costs of the former action are paid, the pendency of the former suit may be pleaded, notwithstanding the entry of the rule to discontinue.

Payment into Court.

Payment into Court.

In *England* by R. 13, H. T., 1853, where money is paid into Court in several actions which are consolidated, and the plaintiff, without taxing costs, proceeds to trial on one and fails, he is entitled to costs on the others up to the time of paying money into Court.

In *Ireland* there is no corresponding rule.

Tender.

In *Ireland* by 49 G. O., January 1854, where money is lodged in Court on a plea of tender, and the plaintiff is willing to accept it in full satisfaction of the demand with respect to which the tender is made, the defendant shall be entitled to his *costs* of suit so far as relates to the demand, the same to be deducted from the amount of the lodgment, and the plaintiff shall only be entitled to draw the balance, and if the sum so lodged be insufficient to answer the defendant's *costs*, the defendant shall be entitled to an order for the payment of the balance.

In *England* there is no corresponding rule.

Particulars of Demand.

Particulars of demand.

In *England* by R. 19, H. T., 1853, if particulars are not given with the declaration or plea of set off, and a Judge afterwards orders them to be given, the plaintiff or defendant, as the case may be, shall not be allowed any costs in respect of any summons for the purpose of obtaining such order, or of the particulars he may afterwards deliver.

In *Ireland* there is no corresponding express rule; but the practice is in conformity with that established in *England* by the above rule.

Setting aside Proceedings.

Setting aside proceedings.

In *England* by R. 137, H. T., 1853, in all cases where a rule is obtained to show cause why proceedings should not be set aside for irregularity with costs, and such rule is afterwards discharged generally without any special direction upon the matter of costs, it is to be understood as discharged with costs.

In *Ireland* there is no corresponding rule. Applications to set aside proceedings for irregularity are disposed of on motion after notice to the opposite party, and the motion, if not moved, is discharged with costs, and if moved, the costs are in the discretion of the Court.

Common Law Costs.

Summary of Principal Differences as to Costs in Superior Courts of England and Ireland.

Costs of Witnesses.

Costs of Unnecessary Witnesses at Trial.

In *Ireland* by 100 G. O. January 1854, the Judge at *Nisi Prius* may certify that a particular witness was unnecessary, and in taxation of costs the expense of such witness shall not be allowed against the opposite party. (See Mr. Jellett's Statement, page 214.)

In *England* there is no corresponding rule.

Bail.

Bail.

In *England* certain provisions are made by Rules 98, 108, and 111, H. T., 1853, as to the costs of proceedings with reference to bail. (See Mr. Holland's Statement, p. 229.)

In *Ireland* there are no rules corresponding to Rules 98 and 111; but the 30 G. Order, 1854, is to the same effect as Rule 108. There are also certain provisions made by 30 G. O., January 1854, in the event of a plaintiff proceeding by action on *scire facias* against the bail to the action. (See Mr. Jellett's Statement, p. 214.)

Replevin.

Replevin.

In *England* if the verdict be for less than 40*s.*, the Judge who tries the cause may certify to deprive the *plaintiff* of costs under 43 Eliz. c. 6. The *defendant* is entitled to costs by the statutes mentioned in Mr. Holland's Statement, p. 230.

There are provisions also in 19 & 20 Vict. c. 108. (County Court Act), ss. 65, 66, 71, as to the security for costs which the replevisor is to give, if he wish to commence proceedings in a Superior Court.

In *Ireland* the action of replevin not being one of those specified in the 126th Section of the I. C. L. P. Act, 1853 (under which the plaintiff who recovers less than 40*s.* is disentitled to costs), and being specially exempted from the operation of the 243rd Section of the I. C. L. P. Act, 1853, and the 97th Section of the I. C. L. P. Act, 1856, the result is that a plaintiff who recovers in replevin *any* sum for damages is entitled to full costs.

There are no provisions in *Ireland* corresponding to those of 19 & 20 Vict. c. 108.

Real Actions.

Real Actions.

In *England* by 23 & 24 Vict. c. 126. s. 26, real actions are now commenced by writ of summons issuing out of the Court of Common Pleas, as in an ordinary action. And by Section 27, all proceedings and costs upon such writ shall be the same as in ordinary actions.

In *Ireland* there are no corresponding enactments.

Scire Facias and Revivor.

Scire Facias and Revivor.

In *England* by Rule 78, H. T. 1853, a plaintiff shall not be allowed a rule to quash his own writ of *scire facias* or *revivor*, after a defendant has appeared, except on payment of costs.

In *Ireland* there is no rule exactly corresponding, but the practice would no doubt be the same. And we may observe that by 110th G. O., 1854, all general rules are extended to writs of *revivor* and *scire facias, mutatis mutandis.*

In *England* by Section 130 of the C. L. P. Act, 1852, upon an application to enter a suggestion, the Judge may order whether or not the costs of such application shall be paid to the party making the same.

In *Ireland* by Section 152 of the I. C. L. P. Act, 1853, similar provision is made, but the following words are added, "and in case the said "costs shall be so ordered to the party making "the application, they shall be costs in the cause."

Common Law Costs.

Summary of Principal Differences as to Costs in Superior Courts of England and Ireland.

Appeals.

Appeals.

In *England* by 13 & 14 Vict. c. 61. s. 14, and 19 & 20 Vict. c. 108. s. 68, an appeal is given in certain cases from the County Courts, and security has to be given for the costs of the appeal.

In *Ireland* there is no appeal to the Superior Courts from the County Courts.

In *England* appeals from the Revising Barristers are made to the Court of Common Pleas (6 Vict. c. 18. s. 42), and provisions are made for the costs. (See Mr. Holland's Statement, p. 232.)

In *Ireland* appeals from the Revising Barristers are to the Court of Exchequer Chamber, under 13 & 14 Vict. c. 69., and there are special provisions as to costs very similar to those in England. (See Mr. Jellett's Statement, p. 216.)

In *England* there is an appeal from the Court of Quarter Sessions. (See Mr. Holland's Statement, p. 232.)

In *Ireland* no such appeal lies.

Special cases.

Special Cases.

In *England* by section 42 of the C. L. P. Act, 1852, questions of *fact* may be tried without formal pleadings, and by sect. 43 the parties may make an agreement as to the costs. (See Mr. Holland's Statement, p. 232.)

In *Ireland* there are no corresponding enactments.

Mandamus and Injunction.

Mandamus and Injunction.

In *England* by the C. L. P. Act, 1860, s. 32, in all cases in which a writ of mandamus or of injunction is issued under the C. L. P. Act, 1854, such writ shall, unless otherwise ordered, command the defendant to pay to the plaintiff the costs of preparing, issuing, and serving such writ, and payment of such costs may be enforced in the same manner as costs payable under a rule of Court.

In *Ireland* there is no similar enactment.

Actions by Paupers.

Actions by Paupers.

In *England* by R. 28, Pleading Rules H. T. 1853, a person admitted to sue *in formâ pauperis* shall not in any case be entitled to costs from the opposite party, unless by order of the Court or a Judge. And by R. 122, H. T. 1853, when a pauper omits to proceed to trial, pursuant to notice, he may be called upon by a rule to show cause why he should not pay costs, though he has not been dispaupered, and why all further proceedings should not be stayed until such costs be paid.

In *Ireland* there are no corresponding rules. There is, however, in *Ireland* a rule to which there is no corresponding rule in *England*, which provides that in cases not within the Statute 10, Car. 1. sess. 2. c. 17. s. 2 (which corresponds with 23 Hen. 8. c. 15. s. 2, England) if the Court shall think the conduct of a party suing or defending as a pauper vexatious or improper in any proceeding, it may order that he shall pay the costs of such proceedings, or that his proceedings be stayed until such costs shall have been paid. 182 G. O. 1854.

In *England* in a like case the Court will discharge the Order made for admitting the party to sue as a pauper.

In *Ireland* by the 180th G. O. Jan. 1854, a power is purported to be given to the Court to enable persons to *defend in formâ pauperis*, and to allow any party to remove into Court any proceeding from an Inferior Court, and prosecute or defend the same *in formâ pauperis*. (See Mr. Jellett"s Statement, p. 217.)

In *England* there are no similar provisions. (See Mr. Holland's Statement, p. 234.)

Criminal Informations.

In *England* by 4 & 5 W. & M. c. 18. a recognizance is required from any person procuring a criminal information to be filed. (See Mr. Holland's Statement, p. 237.)

In *Ireland* there is no statute corresponding to the 4 & 5 W. & M. c. 18. in *England*; but by a Rule of the Court of Queen's Bench, 10th February, 1758, a somewhat similar recognizance is required; and by a further rule of the same Court, no order upon application for information shall be made, unless the attorney for the applicant enters into a recognizance for payment of the *costs* in case the Court should think the application unfounded. (See Mr. Jellett's Statement, p 218.)

Taxation of Costs.

In *England* costs are taxed by the Masters of each Court as part of the business of the Court.

In *Ireland* costs of all the Superior Courts are taxed indiscriminately by two Taxing Masters, who are for that purpose officers of all the Courts.

Common Law Costs. — Summary of Principal Differences as to Costs in Superior Courts of England and Ireland.

Appendix W.—A Return of all the Stamps and Court Fees levied in the various Offices of the Court of Chancery in England, according to the Rules now in force upon the Subject.

Court of Chancery in England — Stamps and Court Fees.

—	Lower Scale. £	s.	d.	Higher Scale. £	s.	d.
In the Judges' Chambers.						
For every original summons for the purpose of proceedings originating in chambers	0	5	0	0	5	0
For every duplicate thereof	0	1	0	0	5	0
For every other summons	0	1	0	0	3	0
For every order drawn up by the Chief Clerk, made upon applications for time to plead, answer, or demur, for leave to amend bills or claims, or for enlarging publication, or the period for closing evidence	0	1	0	0	5	0
For every other order drawn up by the Chief Clerk	0	10	0	1	0	0
For every advertisement	-		-	1	0	0
For every certificate or report	1	0	0	1	0	0
For every certificate upon the passing of a receiver's or consignee's account, a further fee in respect of each 100*l.* of the net balance received by such receiver or consignee, after deducting all necessary outgoings for rents, taxes, rates, repairs, and management of the property	0	10	0	0	10	0
For every oath, affirmation, declaration, or attestation upon honour	0	1	6	0	1	6
In the Registrar's Office.						
For every decree or decretal order made by the Court on a special case, or on the original hearing of a cause or claim, or on motion for a decree, and on further directions, or further consideration, not made on summons, adjourned from chambers	1	0	0	3	0	0
For every order on petition or motion of course	0	1	0	0	5	0
For every other order	0	10	0	1	0	0
For every office copy of a decree or order, and for every office copy of a petition of appeal or rehearing made under the 12th Rule of the 36th of the Consolidated General Orders	0	10	0	1	0	0
In the Examiner's Office.						
For every witness sworn and examined, including oath, for each hour	0	5	0	0	5	0
For every witness sworn and examined away from the office (besides coach-hire and reasonable expenses)	1	7	0	1	7	0
If more than five miles from the Examiner's office, for the first day	2	15	0	2	15	0
For every other day	2	2	0	2	2	0
Upon every application to inspect depositions, including the inspection	0	3	0	0	3	0
Upon every application to search book for causes, including search	0	1	0	0	1	0
Upon every application to search book for depositions, including search	0	1	0	0	1	0
Expenses to be allowed to an Examiner of the Court, when acting under any such order as mentioned in the 12th of the General Orders of 5th February, 1861, viz.:—						
* For every day he is necessarily, and without any default of his own, detained in the performance of such duty, for his expenses the sum of	1	1	0	1	1	0
* For every mile he travels from the Examiner's office to the place of examination, and from one of the places of examination or cross-examination (if more than one) to another of them, and from the place where he last acts in such examination or cross-examination to the Examiner's office, the sum of	0	1	6	0	1	6
In the Record and Writ Clerk's Office and Report Office.						
For making all office and other copies, per folio	0	0	4	0	0	4
For filing every bill or information	0	10	0	1	0	0
For filing every claim	0	5	0	0	5	0
For filing every special case	1	0	0	1	0	0
Upon entering every appearance, if not more than three defendants	0	7	0	0	7	0
If more than three and not exceeding six defendants	0	14	0	0	14	0
And the same proportion for every like number of defendants.						
For every certificate	0	4	0	0	4	0
For marking every copy of a bill, claim, or summons to be served	0	1	0	0	5	0
For every writ of summons, distringas, subpœna or attachment	0	5	0	0	5	0

COURT OF CHANCERY IN ENGLAND. — Stamps and Court Fees.

	Lower Scale.			Higher Scale.		
	£	s.	d.	£	s.	d.
For every writ of *fieri facias, de bonis ecclesiasticis*, or *sequestrari facias*	1	0	0	1	0	0
For sealing every other writ	1	0	0	1	0	0
For every oath, affirmation, declaration, or attestation upon honour, except for the purpose of receipt of dividends from the Accountant-General	0	1	6	0	1	6
For examining every copy, or part of a copy, of a set of interrogatories, and marking same as an office copy	0	1	0	0	5	0
Upon every application for a search for a record, and for searching	0	2	0	0	2	0
Upon every application for a search in the Report Office	0	0	6	0	0	6
Upon every application to inspect a record, and for inspecting the same	0	5	0	0	5	0
Upon every application to inspect exhibits, if occupied not more than one hour	0	5	0	0	5	0
If more than one hour per diem	0	10	0	0	10	0
Upon every application for the officer's attendance in courts of law, per diem, and for his attendance, besides reasonable expenses of the officer	1	0	0	1	0	0
Upon every application for the officer's attendance in a court of equity, and for his attendance, per diem	0	10	0	0	10	0
Upon every application to swear an invalid, including the attendance, besides necessary expenses	0	10	0	0	10	0
For examining and signing enrolments of Decrees and Orders	3	0	0	3	0	0
For filing caveat against claim to revive, or against Decree, or Order, or Inrolment	0	5	0	0	5	0
For filing supplemental statement, or statement for revivor	0	5	0	0	10	0
For filing every affidavit, including schedules and exhibits	0	2	6	0	2	6
For every application to inspect an affidavit	0	0	6	0	0	6
For amending every record of a Bill, claim, or special case	0	10	0	0	10	0
For every certified copy answer, under General Orders of 6th March 1860, a stamp of	0	5	0	0	5	0
For every printed copy affidavit taken under the 6th Order of 16th May 1862, per folio	0	0	2	0	0	2
For every other printed copy affidavit taken under the 7th Order of 16th May 1862	0	0	1	0	0	1
In the Taxing Master's Office.						
For every warrant or summons; but not more than one warrant or summons is issued on one bill, or set of bills, unless the Taxing Master thinks it necessary to issue a new warrant or summons	0	1	0	0	3	0
On signing every report and certificate	0	10	0	1	0	0
Upon the taxation of every bill of costs, as taxed, where the amount shall not exceed 20*l.*	0	10	0	0	10	0
Upon every additional 20*l.*, or fractional part thereof, a further fee of	0	10	0	0	10	0
For every oath, affirmation, or attestation upon honour	0	1	6	0	1	6
In the Lord Chancellor's Principal Secretary's Office.						
On all attendable petitions, appeals, rehearings, and letters missive	0	5	0	1	0	0
On all non-attendable petitions	0	5	0	0	10	0
On a matter-of-course order on a petition of right	0	10	0	0	10	0
On an order for a Commission on a petition of right	1	0	0	1	0	0
In the Office of the Secretary at the Rolls.						
On every petition set down for hearing, to include the fee on hearing	0	5	0	1	0	0
On the petition for every order-of-course	0	1	0	0	5	0
On the admission of every solicitor	-		-	1	17	0
In the Office of the Accountant-General.						
For preparing power of attorney, with affidavit, exclusive of stamp duty	0	3	0	0	3	0
Upon every application for a search	0	5	0	0	5	0
For transcript of accounts, each opening consisting of debtor and creditor sides of the account	0	2	0	0	2	0

COURT OF CHANCERY IN ENGLAND. — Stamps and Court Fees.

As to Petitions of Right.

Under the Order of the 1st February 1862, made in pursuance of the Act 23 & 24 Vict. c. 34., the fees and allowances payable to all officers of the Court of Chancery in respect of matters under the said Act, are to be such fees and allowances as by the practice of the Court, and the General Orders from time to time in force, they are entitled to take for similar proceedings in cases between subject and subject.

Stamps.

All the above fees are levied by means of stamps, except those marked thus*.

(Signed) I. J. JOHNSON,
Solicitor to the Suitors' Fund.

19, Southampton Buildings,
19th July 1862.

LONDON:
Printed by George E. Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty.
For Her Majesty's Stationery Office.

REPORT

BY THE

COMMISSIONERS FOR THE BRITISH FISHERIES

OF THEIR PROCEEDINGS

IN THE YEAR ENDED 31ST DECEMBER 1865.

BEING THE FISHING OF 1865.

Presented in pursuance of the Acts 48 Geo. III., c. 110, sect. 7, and 55 Geo. III., c. 94, sect. 4.

THE Herring Fishing of 1865 proved not so abundant as the Fishings of several previous seasons, yet in general it turned out advantageous both to Fishermen and the Trade, for high prices ruled throughout the year.

The Returns of this Fishery under the heads of Herrings Cured, Branded, and Exported, amounted to

Barrels.	Barrels.	Barrels.
Cured,.....621,763.	Branded,.....216,785.	Exported,.....352,701.

For the previous fifteen years, that is to say, for the successive Fishings in the series of years from 1850 to 1864, both inclusive, the annual average of Herrings Cured was 641,062 Barrels, showing therefore, that the Fishing of 1865 was 19,299 Barrels below this average. But the preceding year of 1864 produced 643,650 Barrels of Cured Herrings,—a quantity as near as possible to the average of the fifteen years referred to. Taking then the Fishing of 1864 upon this basis as an average Fishing, the Fishing of 1865 produced 21,887 fewer Barrels of Cured Herrings than that average, of which 11,806 fewer Barrels were Exported, but only 607 fewer Barrels were Branded; proof how highly the Brand continues to be prized and sought after by Curers and Merchants, as an integrant part of the Export and Continental Trade in Herrings.

The Brand Fees of the year yielded £3,616, 0s. 2d., making the gross revenue collected from this source, since the Fee was established, amount to £28,594, 0s. 9d.

The Fishing of 1865 has not been without that capriciousness and variability of character for which the Herring Fishery is everywhere so remarkable. Thus, upon the East of Scotland, the range of Coast from Peterhead to Findhorn seems to have been more plentifully visited by Herrings than in the year 1864, for in the Districts along this division of Coast, the Increase in 1865 over 1864, stated in round numbers, was—

	Cured.
Peterhead District, . . .	10,000 Barrels.
Fraserburgh do., . . .	6,000 „
Banff do., . . .	10,000 „
Buckie do., . . .	4,000 „
Findhorn do., . . .	13,000 „
Increase from Peterhead to Findhorn,	43,000 Barrels.

On the other hand, from Cromarty to Wick, the Decrease was—

	Cured.
Cromarty District, . . .	6,000 Barrels.
Helmsdale do., . . .	24,000 „
Lybster do., . . .	4,000 „
Wick do., . . .	24,000 „
Decrease from Cromarty to Wick,	58,000 Barrels.

South of Peterhead like differences occurred. Thus, from Aberdeen to Anstruther, the Decrease was nearly 17,000 Barrels, whereas from Eyemouth to North Sunderland adjoining the Fern Islands, the Increase was upwards of 9,000 Barrels.

Fishery Board—875—July 1866.

EDINBURGH: T. CONSTABLE, PRINTER TO THE QUEEN, AND TO THE UNIVERSITY.

Among the causes to which these variations are attributed, the prevalence or the force of particular winds is adduced. From Helmsdale, for instance, where the Fishing barely reached one-half that of 1864 and was the worst upon record except that of the year 1859, it is stated that

"Various opinions have been hazarded as to the cause of the failure in the Fishing, but that which "met with general acceptance was, that the prevalence of northerly winds during the season caused "the Herrings, when on their way to the spawning grounds, to shift to the other side of the Firth."

From Wick the Officer reports—

"The catch after the 29th of August only amounted to 380 Crans, whereas the average catch in "September at that Station, during the past ten years, was 15,379 Crans. The Fishermen attribute "their want of success, in this part of the season, to the prevailing strong north-west winds having "completely swept the coast; but with that exception the weather was generally favourable for Fishing "operations."

This effect of wind from the same quarter at the same period of the year, is alluded to by the Fraserburgh Officer, who states in respect to the Fishing at that Station—

"September yielded much less than its usual quantity, as the Fishing may be said to have ended "on the 9th of that month; for, after a strong gale on the 10th, from W.N.W., which seemed "almost to have cleared the coast of Herrings, only 1,037 Crans were landed, though fine weather "generally prevailed; whereas 8,291 Crans were brought ashore from the 10th to the end of "September 1864."

At Cromarty a different cause is assigned; there the Summer Herring Fishing is stated to have been the poorest on record since 1859, and that

"The general opinion expressed was that the Fish were not so plentiful as in previous seasons, but it "was also noticed that nearly one-half of the season's catch was got on the 1st, 2d, 11th, and 12th of "August, on which days a very large proportion of Fish were spent; indicating that the shoals of "Herrings then met with had been on the fishing grounds previous to their spawning, although the "Boats did not fall in with them until leaving the ground after spawning."

At Anstruther it was remarked, that

"The Herrings did not seem to have set in at their usual favourite Spawning Ground, the 'Old "'Haikes.' The Fishermen kept an eager watch over that place, always thinking that something good "would be got there, but their expectations were never realized. On the 8th of September, in con-"sequence of a rumour having been circulated that a shoal of Herrings had at length gone into the "'Old Haikes,' the Fishermen, although many of them had stowed away their Nets for the season, "at once fitted out their Boats again; but after toiling there for two days they returned home quite "clean and much disappointed." But it was also remarked—"That nearly the one-half of the "Herrings landed in the district were caught in the Fluke Hole or Traith off Pittenweem, another "favourite resort of Herrings. Upon the 2d of September, fully 5000 Crans were landed from this "spot by about 100 St. Monance Boats, making an average of 50 Crans a Boat—highest shot 92 "Crans; and it was calculated that this one night's work alone would yield to the St. Monance "Fishermen about £6000. The Boats fishing that night off May Island, close to, all returned "nearly clean."

In respect to the Traith, referred to in the above extract, it is the Fishing Bank where a Regulation prohibiting Trawling with Beam Trawl Nets for White Fish had been imposed and maintained as an experiment for three years, but which, at the end of that period, was rescinded, as stated in last year's Report; and it may be remarked in passing, that, in so far as can be seen, the rescinding of the Regulation has not been productive of any bad consequences whatever, neither did the Boats, after the Season's Fishing, come upon any quantity of Herring Spawn there to disturb it. It may be further stated that the Fishermen, observing that the Traith had been visited by the large shoal of Herrings referred to, spontaneously abstained from putting their Beam Trawls down upon the ground for about a fortnight or three weeks after the last of the Herrings had been seen upon the Bank, on purpose to avoid the chance of doing anything which could be viewed as mischievous to the Spawn.

Upon the West Coast, as well as upon the East, there were fluctuations in the character of the Fishery as regards the quantity of Herrings taken. In the District of Inverary, the Fishing was almost double that of 1864, but not equal to one-half of the great Fishing of 1862. In the Kyles of Bute and Loch Ridden it was the best Fishing on record, and during the first week of December a shoal of Herrings was found off Port Bannatyne Bay, the most numerous ever remembered there by any one in Bute, which produced a very active and successful Fishing for eight days. At Ballantrae, and upon other parts of the Ayrshire coast, the Fishing during the months of November and December was unusually good. In Loch Carron District there was an improvement, as compared with the Fishing of 1864 and the two or three years immediately

preceding that year. In Loch Broom the same general disappointment in the hopes entertained of a Herring Fishery was experienced, as has marked this District for some consecutive seasons, although formerly the Fishing there was extensive, and the Loch is still at times the scene of an extraordinary influx of Herrings and of an immense concourse of Fishing Boats and their Crews. In Stornoway District, although there was an increase of 170 Boats, there was a decrease in produce of 3500 Barrels of Herrings: at Loch Boisdale, however, in South Uist, the 30 Boats fishing there made the high average of 118½ Crans each. It is only within the last few years that the Herring Fishery has been prosecuted at all at Loch Boisdale, and this without energy or system until the year 1865; but some East Coast Fishermen, who were in the habit of annually resorting to this Station for the Cod and Ling Fishery, discovered, while fishing for Herring bait, that there were large quantities of Herrings upon the Coast, and when they next went there, they took with them complete trains of Herring Nets for the purpose of establishing a regular Herring Fishery. The existence of large shoals of Herrings in these parts was also discovered by the Board's Cutter, "Princess Royal," when cruising, and the circumstance was made known to the Fishermen by Mr. M'Donald, her Commander. The result has been a rapid development of the Fishery in that quarter, and a direction of fishing enterprise towards it which may convert this retired, distant, and almost unknown Loch, into a leading Market for Herrings in the Western Highlands.

On both Coasts the quality of the Fish varied as well as the quantity. Reports were received from various Stations to the effect, that the heat of the summer which was greater than usual, rendered the Fish very tender for handling and caused their more rapid development to maturity, the Maties being above their ordinary size and remarkable for fatness. Some persons hold that it has been clearly ascertained that warm weather exercises a beneficial influence upon Herrings, by its bringing into life a greater quantity of the animalculæ upon which it is said that Herrings feed. It was observed that in places where Herrings are in general of small size, they were in 1865, much larger than usual: thus in Loch Hourn, where the Herrings are small, and where, during the months of October, November, and December of 1864, they had been extraordinarily small, they were in the same months of 1865 found large and fine, indeed during the whole season the Herrings were the finest ever seen in the Loch, no small Herrings having been caught like those got in the preceding year. Another opinion which seems to be commonly entertained is, that the proportion of Milt Herrings is greater than that of Roe Herrings, and that the Milt commences to form before the Roe.

The efforts made by Fishermen of late years to prosecute the Herring Fishery during winter upon many parts of the North and North-East Coasts of Scotland, were renewed in the year now reported upon, and are likely in future to be regularly continued. These attempts have clearly elicited the fact that Herrings are more or less upon the Coast at all periods of the year; and although in the open sea in winter, no such takes reward the labours of the Fishermen as are met with in the estuaries of the Firth of Forth and Firth of Clyde, yet Herrings enough are procured to make it worth while to carry on the Fishing, especially as, if not sold for direct consumption, they are of great use for bait. The Firth of Forth Winter Herring Fishery proved, in the upper parts of the Firth about Leith, a good one, with very remunerative prices to the Fishermen. Off Anstruther, at the entrance of the Firth, the yield was only slightly in advance of that of last year, but considerably better than the yield of the previous year.

The revision of the Tariff with Austria, alluded to in last year's Report as about to take place, was carried forward in the course of the year 1865. In so far as relates to the Duty upon the Import of British Cured Herrings, it concluded with that Duty being reduced to a rate nearly the same as is levied in countries under the Zollverein: the following papers, forming part of the correspondence hereon, show this result and give the official declaration of the Duty to be charged in future:—

"OFFICE OF COMMITTEE OF PRIVY COUNCIL FOR TRADE,
"C. 276. WHITEHALL, *9th February* 1866.

"SIR,—I am directed by the Lords of the Committee of Privy Council for Trade to transmit to "you, to be laid before the Commissioners of the Board of Fisheries, the enclosed Extract of a Despatch "and its inclosures from Her Majesty's Minister at Vienna, respecting the Duty on Salted Herrings "imported into Austria; and I am to request that you will move the Commissioners at their earliest "convenience to favour my Lords with any observations they may have to offer upon the subject.—
"I am, Sir, your obedient Servant,
"J. EMERSON TENNENT.

"The Secretary, Board of Fisheries, Edinburgh."

EXTRACT from LORD BLOOMFIELD'S DESPATCH, dated 1st Feb. 1866.

"With reference to my Despatch, No. 47, Commercial, of the 16th of December last, transmitting a copy of a note, which I had on that day delivered to Count Mensdorff, suggesting, for the consideration of the Imperial Government, certain alterations in the Austrian Custom House treatment of imported Cured Herrings, I have now the honour to transmit, for your Lordship's information, a copy, with translation by Mr. Harriss, of a note which I have received in reply, inclosing a decree ordering the reductions of duty in respect of Herrings as stipulated in the Treaty, and issuing some new directions for the guidance of the Austrian Custom House in their treatment of Cured Herrings.

"Your Lordship will observe that for the future a duty of 1fl. 50kr. per barrel, of a given weight, will be levied, and that the gross weight for whole barrels, half barrels, and quarter barrels, is fixed in excess of the three hundred weight (centner) represented by the duty of 1fl. 50kr., and of the proportionate parts thereof respectively, so as to include the weight of the respective barrels. It will not, accordingly, be necessary to open the barrels, but the barrels will, as before, remain liable to such opening. On the contents of all barrels or other packages which do not come within the categories mentioned, the duty will be levied at 50 kreuzers per centner of gross weight."

(*Copy Translation.*)

"The Imperial Department for Foreign Affairs has the honour to reply to the proposal in the esteemed note of H. E. Lord Bloomfield, dated the 16th of December of last year, by the transmission of an Extract from the Gazette of the Imperial Laws of the 25th instant. According to the Special Tariff published therein, the duty on Salted Herrings has been fixed at one and a half florins per Barrel ('tonne'), and by the remark appended to the position 'B I.' an administrative regulation, in the desired direction, respecting the calculation of the gross weight of the barrel will be put into force.—The undersigned avails," etc.

"VIENNA, 27*th January* 1866. (Signed) "MENSDORFF.

"The Lord Bloomfield."

(*Copy Translation.*)

EXTRACT from SPECIAL TARIFF for Division 14 of Customs Tariff.

	Duty. fl.	kr.
"B. 1. Herrings Salted Barrel (tonne)	1	50
"„ 2. Herrings smoked, 1 cwt. (gross), . . .	0	50

"Remarks on Position B. 1:—

"Salted Herrings in small packages under the ¼ barrel (tonne), as well as those altogether in irregular packages, shall pay a duty of 50 kreuzers per gross cwt.

"2. In the application of the duty of 1 florin and 50 kreuzers per barrel (tonne), the gross weight of the whole barrel must not exceed 350 pounds, and that of the half and the quarter barrel must not exceed 175 and 88 pounds respectively, otherwise the package must be considered as irregular, and the duty of 50 kreuzers per cwt. must be levied.

	Duty. fl.	kr.
"C. 2. Stock Fish, 1 cwt. (gross), ...	0	75

"Remark 2. Brine sent separately for the preservation of Salted Fish during their transport, shall, if the quantity is within 10 per cent. of the aggregate gross weight of the Fish, be free from duty on importation from the Austrian towns and districts exempted from Customs Duties (Tollanoschlüssen), but shall pay the same duty as the Fish on importation from foreign countries. All other Saltlye (Salzlauze) as well as all brine exceeding the percentage mentioned, or not accompanying the Fish themselves, is forbidden both in the import and transit trade."

Upon these communications the question arose as to which Centner, in the several Tables of Weights in use upon the Continent, was intended to be taken as the standard for testing the weight of the Barrel of Herrings; when the following reply was received from the Board of Trade, stating that it is by the Zoll Centner that the Duty is to be charged:—

"OFFICE OF COMMITTEE OF PRIVY COUNCIL FOR TRADE,

"C. 348. WHITEHALL, 20*th February* 1866.

"SIR,—In reply to the inquiry contained in your letter of the 14th instant, I am directed by the Lords of the Committee of Privy Council for Trade, to inform you that the Duty on Salted Herrings, under the new Austrian Tariff, is to be charged on the Zoll Centner, which is equal to 110¼ English lbs.—I am, Sir, your obedient Servant,

"J. EMERSON TENNENT.

"The Secretary, Scotch Fisheries Board, Edinburgh."

The new rate of Duty and the regulation for its assessment were immediately intimated by the Fishery Board to the Trade, to enable them, if they should see fit, to make the necessary arrangements and preparations for entering this new Market, which may eventually become a leading one in its demand upon the British Fisheries and yield an opening for profitable enterprise to all engaged in them.

For maintaining the Fishery Convention with France, the Cruisers, stationed upon the Coast by the Lords Commissioners of the Admiralty, consisted of the "Lizard,"

Lieut. Challis; and the Gunboats, "Sepoy," Lieut. Walsh, and "Ruby," Lieut. Prosser, detached from the Guardship "Dauntless" at Hull; and "Erne," Lieut. Cooper, and "Louisa," Lieut. Marescaux, detached from the Guardship "Trafalgar" at Leith. Twenty-seven Crews of French Fishing Vessels were, by means of these Cruisers, brought before the Magistrates for breach of the Convention and amerced in penalties varying according to the degree of offence committed. But it was found that the French were not the only offenders, and it is to be regretted that Crews of British Boats are not always clear of the charge of injuring, either from carelessness or jealousy, the Nets and property of French Fishermen. A flagrant instance of this kind came under the notice of the Commander of the "Lizard," and the case was submitted by him to a Justice of the Peace Court, where after a full hearing, the British Crew were sentenced to pay a fine, the amount of which however could not, under the Act, be made sufficient to compensate for the damage they had done. The services of the Officers in command of the Gunboats, were rendered with the same zeal as in former seasons and with equal benefit to the Fisheries; and the Board have again to record, as they did last year, the advantage which was derived from Lieut. Marescaux's knowledge of the French language, combined as it was with the experience in Fishery duty he had gained in former seasons. In addition to a strong Memorial from the Chamber of Commerce at Wick, praying for the Board's Cutter "Princess Royal" to be placed upon that station, the Board received the following Letter from the Directors of the British Fishery Society making a similar application:—

"South Kensington Museum, London, W.,
12*th July* 1865.

"Sir,—The Directors of the British Fishery Society have instructed me to write to you, and to "ask you to be so good as to submit to the Commissioners of the Fishery Board a request on their "behalf, that, if not inconsistent with any other arrangement, the Cutter belonging to the Board may "be sent to Wick during the Fishing Season at that place. The Officer in command having much "experience, would probably be able to render valuable services.—I am, Sir, your obedient "Servant,

"MacLeod of MacLeod.

"The Hon. B. F. Primrose,
&c. &c."

At the close of the Season, besides an acknowledgment from public bodies of the value of the services rendered by the Cutter, the following Letter thereon was received from the British Fishery Society:—

"Dunvegan Castle, Dunvegan,
23*d September* 1865.

"Sir,—I am charged by the Directors of the British Fishery Society with the very agreeable "duty of conveying to you, for the information of the Board of Fisheries, the expression of their high "appreciation of the services rendered by the 'Princess Royal' Cutter during the Fishing Season at "Wick just concluded. The manner in which her Commander and Crew have performed the duties "entrusted to them has been beyond all praise. The Cutter has invariably accompanied the Boats "to sea, has remained with them through the night, has assisted the Fishermen to haul their nets "when shots were heavy, and, on several occasions, has towed in disabled Boats. I was myself a "witness of the way in which these services were performed, and I cannot speak too highly of the "Commander and Crew. Capt. M'Donald enjoys the confidence of the Fishermen, who place great "reliance on his judgment and impartiality; and, in all cases of dispute arising from collisions or "other causes, his award has been considered final and satisfactory. I am sure the Fishery Board "will be pleased to learn that their Cutter has rendered such valuable services, and with such "universal acceptance.—I am, Sir, your obedient Servant,

"MacLeod of MacLeod.

"The Hon. B. F. Primrose,
Fishery Board, Edinburgh."

It is satisfactory to be able to add that, in addition to the aid thus rendered to Fishermen, the Officers and Crew of the Cutter were instrumental in saving life, having fortunately rescued, at the entrance of the Pentland Firth, the Crew of a small Smack, capsized and drifting out to sea upon her broadside.

It was stated in last year's Report that a Bill had been introduced into Parliament by the Lord Advocate, with a view to modify the law of Herring Close Time fixed for the West Coasts of Scotland by the Acts of 1860 and 1861, so as to enable Fishermen to procure Herrings for Bait; but that the Bill had not passed. The Bill, however, was renewed in 1865, under circumstances showing that the Board had, as respects Close Time, found it indispensable to introduce relaxation in the administration of the Law,—a necessity confirmed by the evidence obtained by the Royal Sea Fisheries Commission. This Commission put themselves in communication with Her Majesty's Government upon the subject, by addressing a special letter to the Secretary of State for the Home Department, and thereupon Parliament was induced so far to modify the restric-

tions it had imposed upon Herring Fishing, as to abolish Close Time upon the Coasts north of Ardnamurchan Point and confine its operation solely, to the waters lying between the Mull of Galloway upon the south and Point of Ardnamurchan on the north. The Act effecting this change passed upon the 9th of May, thus becoming Law sufficiently early to let the Boats, which had begun to assemble in the Hebrides for the May Herring Fishery, proceed to the Fishing-grounds without restraint. As respects the other provisions of the Acts of 1860 and 1861, they received no such modification, therefore remaining in force, they were carried out with vigilance at sea by H.M.S. "Jackal," under the command of Lieutenant Dyer, and on shore by the Fishery Officers and Police. The Officers at the different Fishing and Branding Stations performed their duties with fidelity and diligence, and gave to the Trade all the facilities in their power for Branding and Shipping the Fish; in which they had the active co-operation and superintendence of Mr. Lamb, the General Inspector, and of Mr. Reiach, the Assistant Inspector. The Fishery Police too in their department were alert and watchful, and much praise is due both to Sergeants and Constables for the constancy and promptitude of their supervision.

The Cod and Ling Fishery of 1865 exhibits but little change over that of previous years. Upon parts of the Home Coast it was not very successful, but upon other parts there was a better fishing than had been met with the year before. From Shetland, 46 Vessels proceeded to the Faroe Islands to carry on the Cod Fishery there—several of them made two trips—the first trip in the early part of the season, about March and April, proved very successful; the second trip, made in June, did not answer so well.

As regards Harbour Works, the Accounts with the Contractor for Dunbar Harbour, stated in last year's Report as not then settled, have been closed, and proceedings taken for the commencement of Anstruther Union Harbour. The Works to be executed there will, from their extent, cause the Annual Pier and Quay Grant of £3000 to be reserved for them for some years to come, but when finished the Harbour will fully justify this application of the Grant which has been sanctioned by a special Act of Parliament. A capacious Harbour as this will be, with a depth of water between the Piers sufficient to give the Fishing Boats easy entrance at low water of spring tides in ordinary weather, is an acquisition not only to the immediate locality, but to the population over a large area of Coast. Everywhere the Boats are improving, and science, as well as ingenuity, is now brought to their construction. In some places, the composite system of building—frame-work of iron, planking of wood—which has been recently introduced for first-class ships, has been applied with success to Boats. Upon the Coasts of Scotland, Boats entirely decked over, divided below into compartments for nets and fish and fitted on deck with hatches, are taking the place of the old open Boat; and even where Boats are left open, the fore part is closed in to give shelter to the crews and provide for them sleeping-places. These improvements enable the Scotch Fishermen to make longer voyages and to go to fishing-grounds at a greater distance off the Coast, than they ever formerly attempted. But these new Boats and their gear require more space to lie in, and are of much more intrinsic value: upon all parts of the Coasts, the Harbours of former days are found to be too circumscribed and too confined for modern requirements, and the want of better Harbour accommodation is almost universally experienced and complained of. With the small Grant at the disposal of the Board the Commissioners have done their utmost to supply the deficiency; but the Grant is altogether inadequate, and it can only be by a progress far too slow for the wants of the Applicants and for the real interests of the Nation, that the Board can, step by step, accomplish upon the Coasts those Works which all persons having practical experience and knowledge of the subject, recognise as indispensable for the extension and development of the Fisheries and for the preservation of the lives and property of Fishermen.

The Report of the Engineers and General Account of the year's Expenditure of the Pier Grant will be found in the Appendix, along with the Returns and Statistics of the Fisheries for the year in the following order:—

HERRING FISHERY.

No. 1.—Account of Vessels in Scotland and the Isle of Man fitted out for the Herring Fishery, with the Herrings Salted or Cured on board;

No. 2.—Account of Herrings Salted or Cured on Shore in Scotland and the Isle of Man;

No. 3.—Account of the Total Quantity of Herrings Cured in Scotland and the Isle of Man;

No. 4.—Account of the Total Quantity of Herrings in Scotland Branded, with the amount of Fees collected thereon;

No. 5.—Account of the Export of Herrings from Scotland and the Isle of Man; with a Supplementary Note showing, for the Export to the Continent, the Ports to which the Herrings have been Shipped;

No. 6.—Account of the Number of Cran Measures in Scotland adjusted and Branded;

Abstract of the Total Quantity of White Herrings Cured, Branded, and Exported, from 1st June 1809 to 31st December 1865, showing also the Countries to which they have been Exported.

COD AND LING FISHERY.

No. 1.—Account of Vessels in Scotland and the Isle of Man fitted out for the Cod and Ling Fishery, with the quantity of Cod, Ling, and Hake they Cured;

No. 2.—Account of Cod, Ling, and Hake, taken by Open Boats at the Cod and Ling Fishery in Scotland and the Isle of Man, and Cured;

No. 3.—Account of the Total Quantity of Cod, Ling, and Hake taken both by Vessels and Open Boats at the Cod and Ling Fishery in Scotland and the Isle of Man, and Cured;

No. 4.—Account of the Export of Cod, Ling, and Hake from Scotland and the Isle of Man;

Abstract of the Total Quantity of Cod, Ling, and Hake Cured and Exported, from 10th October 1820 to 31st December 1865.

FISHERY STATISTICS.

No. 1.—Account of Boats, Men, &c., employed at the Herring Fishery in Scotland and the Isle of Man, in one selected week for each District;

No. 2.—Account of the Boats, Fishermen, &c., with the estimated Value of Boats, Nets, and Lines employed in the Herring and Cod and Ling Fisheries of Scotland and the Isle of Man;

No. 3.—Account of the Tonnage of Shipping, and Number of Seamen employed in the Fisheries of Scotland and the Isle of Man;

No. 4.—Abstract of Tonnage of Vessels and Boats, and of Seamen, Fishermen, and Persons employed in the Fisheries of Scotland and the Isle of Man.

Report by the Engineers of the State of the Harbour Works in charge of the Board of Fisheries.

General Account of the Expenditure on Harbours, Piers, or Quays.

Abstract showing the Expenditure on each Work.

SUMMARY.

In detailing the substance of these Accounts, and comparing them with those of the preceding year, it will be seen that the total quantity of Herrings cured during 1865 was 621,763 Barrels, the total quantity branded 216,785 Barrels, and the total quantity exported 352,701 Barrels, being a decrease from the preceding year of 21,887¼ Barrels in the total quantity cured, of 607 Barrels in the total quantity branded, and of 11,806½ Barrels in the total quantity exported.

In the Cod and Ling Department, the Returns show that in the year 1865, 112,807 cwts. were cured dried, and 7,678 Barrels cured in pickle, and that the total quantity exported was 44,928¾ cwts. cured dried, being an increase over the preceding year of 5,048¾ cwts. in the total quantity cured dried, but a decrease of 285½ Barrels in the quantity cured in pickle, and of 1,532½ cwts. in the total quantity exported.

From the Fishery Statistic Accounts, it will be seen that in the year 1865, 13,650 Boats, manned by 44,459 Fishermen and Boys, were employed in the Herring and Cod

and Ling Fisheries; and that the total estimated value of the Boats, Nets, and Lines employed in these Fisheries in the same period, was £956,564, being an increase over the preceding year of 319 Boats, 975 Fishermen and Boys, and of £80,909 in the estimated value of Boats and Nets.

CAITHNESS.
GEORGE TRAILL.
JAMES T. GIBSON-CRAIG.
ELCHO.
JAMES MATHESON.
GEORGE LOCH.
JOHN INGLIS.
LYON PLAYFAIR.
ANDREW COVENTRY.
CHARLES BAILLIE.
JAMES MONCREIFF.
GEORGE YOUNG.
ALEX. S. FINLAY.
GEORGE J. ALLMAN.
CHARLES F. MAXWELL.
WILLIAM RAMSAY.

Board of Fisheries,
Edinburgh, 1st June 1866.

APPENDIX.

APPENDIX.

No. I.

ACCOUNT of the Number of VESSELS fitted out in SCOTLAND and the ISLE OF MAN, for the BRITISH HERRING FISHERY, in the Year ended 31st December 1865; the Districts from which fitted out; the Tonnage and Number of Men; the Netting, Salt, and Barrels Shipped; and the Barrels of Herrings Cured.

DISTRICTS.	Vessels.	Tonnage.	Men.	Netting.	Salt.	Barrels.	Herrings Cured				Total Cured in Vessels.
							Gutted.		Ungutted.		
							Gutted and Packed within 24 hours after being caught.	Gutted and Packed *not* within 24 hours after being caught.	Barrels.	Barrels of Bulk.	
	Number.	*Tons.*	*Number.*	*Square Yds.*	*Bushels.*	*Number.*	*Barrels.*	*Barrels.*	*Number.*	*Number.*	*Barrels.*
Eyemouth,	2	57	8	,,	940	,,	,,	,,	,,	,,	,,
Greenock,	36	669¾	156	338,000	11,060	5,139	3,006½	33	230	851	4,120½
Ballantrae,	14	241½	36	,,	4,740	2,790	1,873	,,	30	11	1,914
Glasgow,	6	115	21	30,000	1,730	870	14,117	,,	678	,,	14,795
Rothesay,	30	458	92	5,000	7,933	3,983½	908½	,,	10	,,	918½
Inverary,	34	685	139	253,000	9,646	4,428	412	,,	,,	,,	412
Campbeltown,	19	275	62	113,600	1,738	885	273	86	,,	96	455
Loch Carron and Skye,	34	751½	129	298,170	14,582	6,240	2,526	,,	,,	59	2,585
Loch Broom,	6	161¼	27	46,600	1,650	870	670	,,	,,	,,	670
Stornoway,	7	373	40	,,	4,260	,,	,,	,,	,,	1,705	1,705
Wick,	1	16	2	,,	80	,,	,,	,,	,,	21	21
Anstruther,	1	24	4	,,	300	,,	,,	,,	,,	51	51
Total for Scotland,	190	3,827	716	1,084,370	58,659	25,205½	23,786	119	948	2,794	27,647
Isle of Man,	54	1,372	189	,,	16,390	,,	,,	,,	,,	10,657	10,657
Grand Total,	244	5,199	905	1,084,370	75,049	25,205½	23,786	119	948	13,451	38,304

Note.—The above 244 Fishing Vessels made 429 Voyages.

Board of Fisheries,
Edinburgh, 1st June 1866.

B. F. PRIMROSE, *Secretary.*

No. II.

ACCOUNT of the Number of Barrels of WHITE HERRINGS Cured or Salted by Fish-Curers on Shore in SCOTLAND and the ISLE OF MAN, in the Year ended 31st December 1865; with the Districts at which Cured, distinguishing the Herrings Cured Gutted from those Cured Ungutted.

DISTRICTS.	Herrings Cured Gutted.		Herrings Cured Ungutted.		Total Cured on Shore.
	Gutted and packed within 24 hours after being caught.	Gutted and packed, *not* within 24 hours after being caught.	Barrels.	Barrels of Bulk.	
	Barrels.	*Barrels.*	*Number.*	*Number.*	*Barrels.*
Leith,	,,	65	,,	585¾	650¾
Eyemouth,	21,960	339	22,161	5,410	49,870
Greenock,	106	,,	248	627	981
Ballantrae,	876	,,	139	,,	1,015
Rothesay,	1,391	,,	80	23,789	25,260
Inverary,	6,347½	,,	738	16,699	23,784½
Campbeltown,	102	,,	,,	2,155	2,257
Loch Carron and Skye,	5,611	,,	185	2,042	7,838
Loch Broom,	1,148	,,	,,	,,	1,148
Stornoway,	56,434	,,	1,781	5,054	63,269
Shetland Isles,	4,152	,,	,,	,,	4,152
Orkney Isles,	7,923½	,,	510	,,	8,433½
Wick,	89,543½	180	1,747	,,	91,470½
Lybster,	19,293	2,735	155	,,	22,183
Helmsdale,	25,192	,,	264	,,	25,456
Cromarty,	10,818	172	110	,,	11,100
Findhorn,	40,700½	72	2,120½	875	43,768
Buckie,	19,227	,,	1,385	70	20,682
Banff,	16,817½	212	1,233½	53	18,316
Fraserburgh,	46,484	82	1,690	554	48,810
Peterhead,	48,838	,,	9,175	516	58,529
Montrose,	10,428	100	5,107	3,797	19,432
Anstruther,	8,710	380	4,445½	11,778¼	25,313¾
Total for Scotland,	442,102½	4,337	53,274½	74,005	573,719
Isle of Man,	215	,,	690	8,835	9,740
Grand Total,	442,317½	4,337	53,964½	82,840	583,459

Board of Fisheries,
Edinburgh, 1st June 1866.

B. F. PRIMROSE, *Secretary.*

HERRING FISHERY ACCOUNTS.

No. III.

ACCOUNT of the Total Number of Barrels of WHITE HERRINGS Salted or Cured in SCOTLAND and the ISLE OF MAN, in the Year ended 31st December 1865; with the Districts where Landed or Cured, distinguishing Herrings Cured Gutted from Herrings Cured Ungutted.

DISTRICTS.	Herrings Cured Gutted.		Herrings Cured Ungutted.		TOTAL HERRINGS CURED.
	Gutted and packed within 24 hours after being caught.	Gutted and packed, *not* within 24 hours after being caught.	Barrels.	Barrels of Bulk.	
	Barrels.	*Barrels.*	*Number.*	*Number.*	*Barrels.*
Leith,	...	65	...	585¾	650¾
Eyemouth,	21,960	339	2,161	5,410	49,870
Greenock,	3,112½	33	478	1,478	5,101½
Ballantrae,	2,749	...	169	11	2,929
Glasgow,	14,117	...	678	...	14,795
Rothesay,	2,299½	...	90	23,789	26,178½
Inverary,	6,759½	...	738	16,699	24,196½
Campbeltown,	375	86	...	2,251	2,712
Loch Carron and Skye,	8,137	...	185	2,101	10,423
Loch Broom,	1,818	...	...	...	1,818
Stornoway,	56,434	...	1,781	6,759	64,974
Shetland Isles,	4,152	...	...	...	4,152
Orkney Isles,	7,923½	...	510	...	8,433½
Wick,	89,543½	180	1,747	21	91,491½
Lybster,	19,293	2,735	155	...	22,183
Helmsdale,	25,192	...	264	...	25,456
Cromarty,	10,818	172	110	...	11,100
Findhorn,	40,700½	72	2,120½	875	43,768
Buckie,	19,227	...	1,385	70	20,682
Banff,	16,817½	212	1,233½	53	18,316
Fraserburgh,	46,484	82	1,690	554	48,810
Peterhead,	48,838	...	9,175	516	58,529
Montrose,	10,428	100	5,107	3,797	19,432
Anstruther,	8,710	380	4,445½	11,829¼	25,364¾
Total for Scotland,	465,888½	4,456	54,222½	76,799	601,366
Isle of Man,	215	...	690	19,492	20,397
Grand Total,	466,103½	4,456	54,912½	96,291	621,763

SUPPLEMENTARY NOTE.

NUMBER of BARRELS of HERRINGS Salted or Cured on the West Coasts of Scotland, in the year ended 31st December 1865, stated by the Districts where the Herrings were caught.

	BARRELS.
Greenock,	981
Ballantrae,	1,015
Rothesay,	33,706½
Inverary,	28,788½
Campbeltown,	2,346
Loch Carron and Skye,	19,498½
Loch Broom,	1,307
Stornoway,	65,485
	153,127½

Board of Fisheries,
Edinburgh, 1st June 1866.

B. F. PRIMROSE, *Secretary.*

HERRING FISHERY ACCOUNTS.

No. IV.

ACCOUNT of the Total Number of Barrels of WHITE HERRINGS in SCOTLAND Branded in the Year ended 31st December 1865; and of the Brandings in each District, distinguishing Herrings Bung-packed from Herrings Re-packed; with the Return of the Fees collected thereon under the Act 21 and 22 Victoria, cap. 69.

DISTRICTS.	Description and Number of Barrels Branded.		
	Bung Packed.	Re-packed.	TOTAL BRANDED.
	Barrels.	*Barrels.*	*Barrels.*
Leith,	34	,,	34
Eyemouth,	2,268	,,	2,268
Shetland Isles,	2,732½	,,	2,732½
Orkney Isles,	589	,,	589
Wick,	57,545	,,	57,545
Lybster,	13,003	,,	13,003
Helmsdale,	15,071½	,,	15,071½
Cromarty,	2,733	,,	2,733
Findhorn,	28,782½	,,	28,782½
Buckie,	13,040	,,	13,040
Banff,	11,486	,,	11,486
Fraserburgh,	28,174½	,,	28,174½
Peterhead,	32,365½	6	32,371½
Montrose,	6,854	,,	6,854
Anstruther,	2,100½	,,	2,100½
Total,	216,779	6	*216,785

* Of this number 174,128 Barrels were Branded Crown Full.
,, 41,881 ,, were Branded Crown P.
,, 6 ,, were Branded Crown PP.
,, 770 ,, were Branded Maties.

216,785 Barrels. The Fees thereon amounted to £3,613 1 8
Bank Interest, . . . 2 18 6
Total Fees, £3,616 0 2

NOTE showing the Total Number of the above Barrels assorted after the Dutch mode, and Branded "Full" or "Maties" accordingly.

DISTRICTS.	Number of Barrels assorted and Branded *Crown Full.*	Number of Barrels assorted and Branded *Maties.*
Leith,	34	,,
Eyemouth,	992	,,
Shetland Isles,	967½	,,
Orkney Isles,	453	,,
Wick,	45,925½	,,
Lybster,	10,246½	11
Helmsdale,	12,613½	388
Cromarty,	2,357½	13
Findhorn,	24,370	28
Buckie,	10,076½	19
Banff,	9,383	70
Fraserburgh,	24,570½	15
Peterhead,	23,819	226
Montrose,	6,308	,,
Anstruther,	2,011½	,,
Total,	174,128	770

Board of Fisheries,
Edinburgh, 1st June 1866.

B. F. PRIMROSE, *Secretary.*

HERRING FISHERY ACCOUNTS.

No. V.

ACCOUNT of the Number of Barrels of White Herrings in Scotland and the Isle of Man Exported in the Year ended 31st December 1865; distinguishing the Export to Ireland, to the Continent, and to places out of Europe; the Herrings Cured Gutted from Herrings Cured Ungutted, and Herrings Bung-Packed from Herrings Re-packed.

DISTRICTS.	BARRELS OF HERRINGS EXPORTED.							
	To Ireland, Bung-Packed.			To the Continent, Bung-Packed.		Out of Europe.		Total Exported.
						Bung-packed.	Repacked.	
	Gutted.	Ungutted.	Barrels of Bulk.	Gutted.	Ungutted.	Gutted.	Gutted.	
	Barrels.	*Barrels.*	*Number.*	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*
Leith,	...	...	...	14,781½	8	...	187½	14,977
Eyemouth,	750	...	...	3,946	...	...	...	4,696
Greenock,	1,051½	...	1,296	...	...	...	...	2,347½
Glasgow,	6,874	...	...	...	...	...	455	7,329
Campbeltown,	...	...	50	...	...	...	...	50
Loch Carron and Skye,	705	...	...	...	...	...	...	705
Loch Broom,	620½	...	...	...	...	...	...	620½
Stornoway,	1,398½	...	...	43,411½	...	...	...	44,810
Shetland Isles,	807½	...	...	2,360	...	...	...	3,167½
Orkney Isles,	4,944	...	...	453	...	...	...	5,397
Wick,	10,858½	404	...	64,857	...	...	...	76,119½
Lybster,	2,811½	105	...	15,573½	...	...	...	18,490
Helmsdale,	1,265	...	...	16,115	...	...	...	17,380
Cromarty,	5,258½	88½	...	3,924	...	...	...	9,271
Findhorn,	235	...	...	32,324	...	...	...	32,559
Buckie,	194	...	...	14,080	...	...	...	14,274
Banff,	...	...	...	13,450	...	...	...	13,450
Fraserburgh,	...	...	...	36,857	...	...	...	36,857
Peterhead,	711	138	...	37,335½	...	...	...	38,184½
Montrose,	176	297	...	7,086	...	200	...	7,759
Anstruther,	363	...	...	2,902	...	...	...	3,265
Total for Scotland,	39,023½	1,032½	1,346	309,456	8	200	642½	351,708½
Isle of Man,	...	...	661	...	...	...	...	661
Sent Coastwise from Scotland to England, and thence Exported,	...	...	...	162	...	50	119½	331½
Grand Total,	39,023½	1,032½	2,007	309,618	8	250	762	352,701

Board of Fisheries,
Edinburgh, 1st June 1866.

B. F. PRIMROSE, *Secretary.*

SUPPLEMENTARY NOTE showing the Ports or Places to which the Herrings Exported to the Continent were Shipped.

DISTRICTS.	BARRELS OF HERRINGS EXPORTED.																		
	RUSSIA.			PRUSSIA.					Hamburg.	HANOVER.			Bremen.	HOLLAND.		BELGIUM.		Other places on the Continent.	TOTAL Exported to the Continent.
	Odessa.	Petersburg.	Riga.	Memel.	Konigsberg.	Elbing.	Danzic.	Stettin.		Harburg.	Embden.	Brake.		Rotterdam.	Vlaardingen.	Ghent.	Antwerp.		
	Barrels.	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*
Leith,	150	124	...	...	...	...	38	2,596½	5,708½	...	...	...	...	6,216½	...	...	94	12	14,939½
Eyemouth,	...	...	...	...	880	...	1,294	751	561	90	...	...	...	370	...	...	...	...	3,946
Stornoway,	...	13,634½	2,346	...	258½	...	...	19,453½	7,051	417	...	...	...	...	...	...	...	251	43,411½
Shetland Isles,	...	...	...	...	...	...	860	1,500	...	...	...	...	...	...	...	...	...	...	2,360
Orkney Isles,	...	...	...	...	...	...	...	...	...	453	...	...	...	...	...	...	...	...	453
Wick,	...	...	...	4,288½	4,332½	619	14,370½	25,957	654	12,325½	339	...	...	1,961	...	...	...	...	64,857
Lybster,	...	...	...	...	2,564	...	3,518	4,245	818	3,278½	...	...	...	1,150	...	...	...	...	15,573½
Helmsdale,	...	...	...	505	227	...	6,139½	3,688½	...	3,948	...	...	...	999	...	...	...	608	16,115
Cromarty,	...	...	...	...	577	...	158½	135	...	1,767½	...	...	...	686	...	...	...	600	3,924
Findhorn,	...	...	...	1,913	3,219	...	5,270	15,815	835	3,032	...	...	...	343	700	370	...	827	32,324
Buckie,	...	...	...	...	1,001	...	2,598½	3,951	...	5,539½	...	...	...	990	...	...	...	...	14,080
Banff,	...	...	...	...	...	336	1,102½	9,540½	...	1,159½	...	...	...	694½	...	224	393	...	13,450
Fraserburgh,	...	...	...	1,453	1,633	...	776	19,621½	...	7,776	...	836	2,565	1,597	...	...	...	599½	36,857
Peterhead,	...	...	...	...	1,579	...	9,036	14,729	...	8,069½	...	1,730	...	1,235	700	...	...	257	37,335½
Montrose,	...	...	...	...	...	...	2,356	2,045½	...	2,684½	...	...	...	...	...	...	...	12	7,098
Anstruther,	...	...	...	...	...	...	...	...	...	2,034	...	...	...	868	...	...	...	...	2,902
TOTAL,	150	13,758½	2,346	8,159½	16,271	955	47,517½	124,029	15,627½	52,584½	339	2,566	2,565	17,110	1,400	594	487	3,166½	309,626

Board of Fisheries,
Edinburgh, 1st June 1866.

B. F. PRIMROSE, *Secretary.*

No. VI.

ACCOUNT of the Number of Crans adjusted as Measures for the Purchase and Sale of Fresh Herrings, and Branded in SCOTLAND, in the Year ended 31st December 1865.

DISTRICTS.	Crans Branded.
Leith,	4
Greenock,	29
Peterhead,	25
Montrose,	36
Total,	94

Board of Fisheries,
Edinburgh, 1st June 1866.

B. F. PRIMROSE, *Secretary.*

ABSTRACT showing the Total Quantity of WHITE HERRINGS Cured, Branded, and Exported, year by year, *in so far as brought under cognizance of Officers of the Fishery*, from the 1st of June 1809, to the 31st of December 1865; distinguishing the Export to Ireland, to the Continent, and to places out of Europe.

PERIODS.	Total Quantity of Herrings Cured.			Total Quantity of Herrings Branded.	Total Quantity of Herrings Exported.			Grand Total Exported.
	Gutted.	Ungutted including Bulk.	Total Cured.		To Ireland.	To the Continent.	To places out of Europe.	
	Barrels.	*Bls. or Crans.*	*Barrels.*	*Barrels.*	*Bls. or Crans.*	*Barrels.*	*Barrels.*	*Barrels.*
Period extending from 1st June 1809 to 5th April 1810,	42,548	47,637½	90,185½	34,701	28,014	...	7,834	35,848
Year ended 5th April 1811,	65,430	26,397½	91,827½	55,662½	28,212	...	9,921	38,133
Year ended 5th April 1812,	72,515½	39,004	111,519½	58,430	30,417½	4,730	27,672½	62,820
Year ended 5th April 1813,	89,900¾	63,587½	153,488¼	70,027½	57,980	11,046½	40,699	109,725½
Year ended 5th April 1814,	52,931½	57,611	110,542½	38,184½	43,061½	23,943	51,399	118,403½
Year ended 5th April 1815,	105,372¼	54,767	160,139¼	83,376	49,635¾	35,891	55,778½	141,305¼
Year ended 5th April 1816,	135,981	26,670¾	162,651¾	116,436	29,456½	15,563	62,668½	107,688
Year ended 5th April 1817,	155,776	36,567½	192,343½	140,018½	36,341	44,432½	57,855	138,628½
Year ended 5th April 1818,	204,270¼	23,420¾	227,691	183,089½	53,386½	43,896	65,057	162,339½
Year ended 5th April 1819,	303,777½	37,116½	340,894	270,022½	89,704	52,333	85,125	227,162
Year ended 5th April 1820,	347,190½	35,301	382,491½	309,700½	101,109½	64,302½	88,104	253,516
Year ended 5th April 1821,	413,308	28,887¾	442,195¾	363,872	125,445	89,524	79,836½	294,805½
Year ended 5th April 1822,	291,626½	24,897¾	316,524¼	263,205½	102,719	34,752	77,485	214,956
Year ended 5th April 1823,	225,037	23,832	248,869	203,110	56,528	38,002½	75,914½	170,445
Year ended 5th April 1824,	335,450	56,740¾	392,190¾	299,631	116,747½	40,231	82,652	239,630½
Year ended 5th April 1825,	303,397	44,268¼	347,665¼	270,844½	96,409½	35,029½	70,577½	202,016½
Year ended 5th April 1826,	340,118	39,115¾	379,233¾	294,422½	121,386½	28,167¾	67,519	217,073¼
Year ended 5th April 1827,	259,171¼	29,324	288,495¼	223,606	78,735	16,701	70,970	166,406
Year ended 5th April 1828,	339,360	60,418	399,778	279,317½	109,108½	24,489½	78,061	211,659
Year ended 5th April 1829,	300,242½	55,737	355,979½	234,827	107,651	28,280½	69,944	205,875½
Year ended 5th April 1830,	280,933½	48,623½	329,557	218,418½	89,680½	24,302	67,672	181,654½
Year ended 5th April 1831,	371,096	68,274¼	439,370¼	237,085	130,300½	61,655½	72,947	264,903
Year ended 5th April 1832,	313,113¾	49,547	362,660¾	157,839½	128,458	31,100¼	57,941½	217,499¾
Year ended 5th April 1833,	353,684½	63,279¾	416,964¼	168,259½	114,137	47,556½	58,991	220,684½
Year ended 5th April 1834,	382,677½	68,853¾	451,531¼	178,000½	149,254	55,852	66,987½	272,093½
Year ended 5th April 1835,	217,242½	60,074½	277,317	85,079½	73,960	34,050	50,795½	158,805½
Year ended 5th April 1836,	399,334	98,280¾	497,614¾	192,317	168,960	48,451½	55,982	273,393½
Year ended 5th April 1837,	290,169	107,660¼	397,829¼	114,192	102,968½	46,777	39,520	189,265½
Year ended 5th April 1838,	382,400	125,374¾	507,774¾	141,552	139,095	57,388½	38,674½	235,158
Year ended 5th April 1839,	382,229	173,330¾	555,559¾	153,659½	149,926	64,870	24,934½	239,730½
Year ended 5th April 1840,	405,379½	138,565½	543,945	152,231	157,359	82,515½	12,647½	252,522
Year ended 5th April 1841,	431,157	126,105¼	557,262¼	154,189	150,517½	90,951½	8,668	250,137
Year ended 5th April 1842,	489,620½	177,624¾	667,245¼	190,922½	187,953	91,069½	5,713½	284,736
Year ended 5th April 1843,	442,290	181,129¾	623,419¾	162,713	165,327½	120,136½	6,336½	291,800½
Year ended 5th April 1844,	473,556¾	191,803	665,359¾	182,988	127,770	181,953	3,793½	313,516½

ABSTRACT showing the Total Quantity of WHITE HERRINGS Cured, Branded, and Exported, year by year—*continued*.

PERIODS.	Total Quantity of Herrings Cured.			Total Quantity of Herrings Branded.	Total Quantity of Herrings Exported.			Grand Total Exported.
	Gutted.	Ungutted including Bulk.	Total Cured.		To Ireland.	To the Continent.	To places out of Europe.	
	Barrels.	*Bls. or Crans.*	*Barrels.*	*Barrels.*	*Bls. or Crans.*	*Barrels.*	*Barrels.*	*Barrels.*
Period extending from 5th April 1844 to 5th Jan. 1845,	393,312	132,720¾	526,032¾	140,632	120,293	143,754	2,326½	266,373½
Year ended 5th January 1846,	411,271	121,375	532,646	142,473½	127,027½	113,678	2,488½	243,194
Year ended 5th January 1847,	414,915¼	192,535¾	607,451	156,278½	102,585	148,363½	4,765½	255,714
Year ended 5th January 1848,	372,989½	189,754	562,743½	146,500½	102,690	142,532	4,959	250,181
Year ended 5th January 1849,	392,827	251,541¼	644,368¼	153,944	78,262½	168,049	3,682½	249,994
Year ended 5th January 1850,	507,024½	263,673¾	770,698¼	213,286½	78,889¾	257,108	4,258½	340,256¼
*Year ended 5th January 1851, for Scotland and the Isle of Man only, .	378,187	165,822½	544,009½	172,924½	66,138	198,403	2,367	266,908
Year ended 5th January 1852, for do. do.	417,233¼	176,797¾	594,031	201,636½	81,340½	182,659	205	264,204½
Year ended 31st December 1852, for do. do.	375,693	123,094½	498,787½	169,159½	60,414	221,979	1,133	283,526
Year ended 31st December 1853, for do. do.	560,367	217,672¾	778,039¾	248,136½	95,339	242,853¼	4,438½	342,630¾
Year ended 31st December 1854, for do. do.	458,579½	177,982¾	636,562¼	211,844	121,883¾	237,893½	1,919½	361,696¾
Year ended 31st December 1855, for do. do.	582,715¼	183,988¼	766,703½	280,581½	97,377	344,029	858	442,264
Year ended 31st December 1856, for do. do.	466,429½	143,559	609,988½	223,281	89,670¾	256,741	1,199½	347,611¼
Year ended 31st December 1857, for do. do.	465,292½	115,521¼	580,813¾	218,992	58,534	307,275½	1,351	367,160½
Year ended 31st December 1858, for do. do.	470,393¼	165,730¼	636,124	233,374	79,054	269,819	1,331½	350,204½
†Year ended 31st December 1859, for do. do.	381,059¼	110,428	491,487¼	158,676	68,882	203,349½	748	272,979½
Year ended 31st December 1860, for do. do.	496,414½	184,778¾	681,193¼	231,913½	86,413	291,401½	156	377,970½
Year ended 31st December 1861, for do. do.	519,173	149,655½	668,828½	265,347	81,595½	308,334¼	384	390,313¾
Year ended 31st December 1862, for do. do.	656,048	174,856	830,904	346,712	70,879¾	423,182¾	847½	494,910
Year ended 31st December 1863, for do. do.	507,223	147,593½	654,816½	276,880½	72,074½	333,074¼	2,612¾	407,761½
Year ended 31st December 1864, for do. do.	478,781½	164,868¾	643,650¼	217,392	55,420½	307,282	1,805	364,507½
Year ended 31st December 1865, for do. do.	470,559½	151,203½	621,763	216,785	42,063	309,626	1,012	352,701

N.B.—In the Six Years ending 5th April 1815, the Bounty on Herrings Cured Gutted, was 2s. per Barrel, while there was a Bounty at the same time of 2s. 8d. per Barrel, payable by the Excise on the Exportation of Herrings, whether Cured Gutted or Ungutted, but which ceased on the 1st June 1815; in the Eleven Years ending 5th April 1826, the Bounty on Herrings Cured Gutted was 4s. per Barrel; in the Four succeeding Years, the Bounty was reduced 1s. per Barrel each Year till the 5th of April 1830, when it ceased altogether, and has not since been renewed.

* The Collection of Returns for England ceased from the 5th of January 1850.

† By Act 21st and 22d Vict. cap. 69 (1858), there was imposed upon the Branding of Barrels and Half-Barrels of Herrings, a Fee of *Fourpence* per Barrel and *Twopence* per Half-Barrel.

Board of Fisheries,
Edinburgh, 1st June 1866.

B. F. PRIMROSE, *Secretary*.

COD AND LING FISHERY ACCOUNTS.

No. I.

ACCOUNT, by Districts, of the Number of Vessels fitted out in SCOTLAND and the ISLE OF MAN for the COD and LING Fishery, in the Year ended 31st December 1865, and of the Tonnage of the Vessels, and Number of Men; also the quantity of COD, LING, and HAKE Cured therefrom, distinguishing whether Cured Dried or Cured in Pickle.

DISTRICTS.	Vessels.	Tonnage.	Men.	Total Quantity of Cod, Ling, and Hake Cured in Vessels.		
				Number of Fish.	Cured Dried.	Cured in Pickle.
	Number.	*Tons.*	*Number.*	*Number.*	*Cwts.*	*Barrels.*
Stornoway,	1	47	12	5,185	287½	,,
Shetland Isles,	92	3,590	1,045	1,110,366	33,879	,,
Orkney Isles,	18	825	180	201,780	6,365	,,
Fraserburgh,	21	294	134	51,761	2,030	,,
Peterhead,	3	42	17	4,910	152	,,
Total for Scotland,	135	4,798	1,388	1,374,002	42,713½	,,
Isle of Man, *Nil.*	...	...	...	...	...	...

Board of Fisheries,
Edinburgh, 1st June 1866.

B. F. PRIMROSE, *Secretary.*

No. II.

ACCOUNT, by Districts, of the COD, LING, and HAKE taken at the Cod and Ling Fishery in SCOTLAND and the ISLE OF MAN by Open Boats and Cured on Shore, in the Year ended 31st December 1865; distinguishing the Fish Cured Dried and the Fish Cured in Pickle.

DISTRICTS.	Total Quantity of Cod, Ling, and Hake Cured on Shore.		
	Number of Fish.	Cured Dried.	Cured in Pickle.
	Number.	*Cwts.*	*Barrels.*
Eyemouth,	1,620	54	,,
Ballantrae,	26,670	,,	889
Inverary,	10,104	489	,,
Campbeltown,	31,650	1,270	,,
Loch Carron and Skye,	28,397	1,085	,,
Loch Broom,	57,690	1,830	30
Stornoway,	329,581	14,890½	,,
Shetland Isles,	784,429	32,210	,,
Orkney Isles,	253,810	7,452	,,
Wick,	16,068	479½	163
Lybster,	19,770	390	269
Helmsdale,	13,556	350	198
Cromarty,	91,546	1,285	377
Findhorn,	24,882	225	587
Buckie,	141,840	2,749	2,910
Banff,	33,684	1,036	41
Fraserburgh,	26,592	948	57
Peterhead,	54,347	783	849
Montrose,	75,117	1,787	391
Anstruther,	47,097	650½	917
Total for Scotland,	2,068,450	69,963½	7,678
Isle of Man,	2,300	130	,,
Grand Total,	2,070,750	70,093½	7,678

Board of Fisheries,
Edinburgh, 1st June 1866.

B. F. PRIMROSE, *Secretary.*

COD AND LING FISHERY ACCOUNTS.

No. III.

ACCOUNT, by Districts, of the Total Quantity of Cod, Ling, and Hake taken, both by Vessels and by open Boats, at the Cod and Ling Fishery in Scotland and the Isle of Man, and Cured, in the Year ended 31st December 1865; distinguishing the Fish Cured Dried and the Fish Cured in Pickle.

DISTRICTS.	Total Quantity of Cod, Ling, and Hake Cured.		
	Number of Fish.	Cured Dried.	Cured in Pickle.
	Number.	*Cwts.*	*Barrels.*
Eyemouth,	1,620	54	,,
Ballantrae,	26,670	,,	889
Inverary,	10,104	489	,,
Campbeltown,	31,650	1,270	,,
Loch Carron and Skye,	28,397	1,085	,,
Loch Broom,	57,690	1,830	30
Stornoway,	334,766	15,178	,,
Shetland Isles,	1,894,795	66,089	,,
Orkney Isles,	455,590	13,817	,,
Wick,	16,068	479½	163
Lybster,	19,770	390	269
Helmsdale,	13,556	350	198
Cromarty,	91,546	1,285	377
Findhorn,	24,882	225	587
Buckie,	141,840	2,749	2,910
Banff,	33,684	1,036	41
Fraserburgh,	78,353	2,978	57
Peterhead,	59,257	935	849
Montrose,	75,117	1,787	391
Anstruther,	47,097	650½	917
Total for Scotland,	3,442,452	112,677	7,678
Isle of Man,	2,300	130	,,
Grand Total,	3,444,752	112,807	7,678

Board of Fisheries, Edinburgh, 1st June 1866.

B. F. PRIMROSE, *Secretary.*

No. IV.

ACCOUNT of the Total Quantity of Cod, Ling, or Hake, Exported from Scotland and the Isle of Man, in the Year ended 31st December 1865; with the Districts from which Exported, distinguishing the Export to Ireland, to the Continent, and to places out of Europe; also whether Dried or Cured in Pickle.

DISTRICTS.	COD AND LING EXPORTED			
	To Ireland.	To the Continent.	To places out of Europe.	Total Exported.
	Cured Dried.	Cured Dried.	Cured Dried.	Cured Dried.
	Cwts.	*Cwts.*	*Cwts.*	*Cwts.*
Leith,	,,	,,	162	162
Greenock,	2,054½	,,	31	2,085½
Glasgow,	1,470	,,	683	2,153
Campbeltown,	848	,,	,,	848
Shetland Isles,	8,607	31,054	,,	39,661
Wick,	19¼	,,	,,	19¼
Total for Scotland,	12,998¾	31,054	876	44,928¾
Isle of Man, *Nil.*	...	...	...	...

Board of Fisheries, Edinburgh, 1st June 1866.

B. F. PRIMROSE, *Secretary.*

ABSTRACT, showing the Total Quantity of Cod, Ling, or Hake, Cured, Punched or Branded, and Exported, year by year, *in so far as brought under cognizance of Officers of the Fishery*, from the 10th of October 1820, when the System for Encouragement and Improvement of the Cod and Ling Fishery commenced, to the 31st of December 1865.

PERIODS.	Total Quantity of Cod, Ling, or Hake, Cured.			Total Quantity of Cod, Ling, or Hake Punched or Branded.		Total Quantity of Cod, Ling, or Hake Exported.			
	Cured Dried.	Cured in Pickle.		Cured Dried.	Cured in Pickle.	Cured Dried.			Cured in Pickle.
	Cwts.	*Cwts.*	*Barrels.*	*Cwts.*	*Barrels.*	*Cwts.*	*qrs.*	*lbs.*	*Barrels.*
Period extending from 10th October 1820 to 5th April 1822,	,,	,,	,,	50,235¼	4,919½	19,578	3	,,	,,
Year ended 5th April 1823,	,,	,,	,,	54,573	3,691	19,398	3	,,	,,
Year ended 5th April 1824,	,,	,,	,,	63,590	5,437	23,098	,,	3	,,
Year ended 5th April 1825,	,,	,,	,,	52,135	3,531	14,087	2	19	,,
Year ended 5th April 1826,	69,136½	3,634¾	5,621	66,315¾	5,337	7,281	1	14	,,
Year ended 5th April 1827,	95,161½	9,273	9,025	82,185¾	8,008½	14,051	2	27	,,
Year ended 5th April 1828,	82,515¼	6,726	6,142½	74,103¾	5,609½	13,208	2	,,	,,
Year ended 5th April 1829,	81,321¼	5,786	6,819	73,500½	6,204	20,587	3	4	,,
Year ended 5th April 1830,	101,914	5,652½	8,836½	92,314½	8,464	16,369	3	15	,,
Year ended 5th April 1831,	37,674	,,	2,950½	34,337½	2,459½	11,920	1	1	,,
Year ended 5th April 1832,	50,293	,,	3,779½	13,879¾	3,230	20,168	3	16	47
Year ended 5th April 1833,	58,461½	,,	6,467½	13,581¼	4,393½	14,754	1	26	67
Year ended 5th April 1834,	52,710½	,,	5,522½	14,255½	3,829	16,298	3	,,	24
Year ended 5th April 1835,	44,152¾	,,	3,767½	9,492¼	2,235	10,632	2	24	,,
Year ended 5th April 1836,	38,040	,,	6,276	6,766	3,018	10,992	2	20	,,
Year ended 5th April 1837,	66,892½	,,	7,273	9,589½	3,206	10,195	2	11	1½
Year ended 5th April 1838,	84,996¾	,,	10,303	9,259½	4,373	22,166	2	12	36
Year ended 5th April 1839,	85,279¾	,,	10,051½	23,936¼	5,093	26,701	3	,,	150
Year ended 5th April 1840,	93,560¾	,,	6,053	21,695½	3,205	29,656	1	,,	24
Year ended 5th April 1841,	91,494¾	,,	9,480	21,029¼	3,891	30,550	1	,,	44
Year ended 5th April 1842,	76,849	,,	7,038½	13,283¾	2,164	25,293	1	,,	,,
Year ended 5th April 1843,	77,207¼	,,	6,431	10,030¼	1,342	23,737	3	,,	70
Year ended 5th April 1844,	92,813½	,,	5,123	20,810¼	2,226½	35,476	,,	,,	4
Period extending from 5th April 1844 to 5th January 1845,	83,919	,,	1,726	17,940¼	229	28,815	,,	,,	20
Year ended 5th January 1846,	92,323	,,	5,037	14,372½	935	29,352	,,	,,	,,
Year ended 5th January 1847,	90,783¾	,,	6,341½	12,387½	1,492	34,435	1	,,	15
Year ended 5th January 1848,	86,624¼	,,	6,247½	8,145¼	955	25,662	3	,,	,,
Year ended 5th January 1849,	85,463	,,	6,810½	9,520	1,681	22,608	3	,,	,,
Year ended 5th January 1850,	98,903	,,	6,588	15,556	997	24,154	1	,,	20
*Year ended 5th January 1851, for Scotland and the Isle of Man only, ...	90,658¾	,,	5,032	* ,,	,,	22,304	1	,,	,,

* The Branding and Punching of Cod and Ling was discontinued at the 5th of January 1850, as well as the Collection of Returns for England.

ABSTRACT, showing the Total Quantity of Cod, Ling, or Hake, Cured, Punched or Branded, and Exported year by year, etc.—*continued.*

PERIODS.	Total Quantity of Cod, Ling, or Hake, Cured.			Total Quantity of Cod, Ling, or Hake Punched or Branded.		Total Quantity of Cod, Ling, or Hake Exported.			
	Cured Dried.	Cured in Pickle.		Cured Dried.	Cured in Pickle.	Cured Dried.			Cured in Pickle.
	Cwts.	*Cwts.*	*Barrels.*	*Cwts.*	*Barrels.*	*Cwts.*	*qrs.*	*lbs.*	*Barrels.*
Year ended 5th January 1852, for Scotland and the Isle of Man only, ...	92,083¼	,,	7,019¾	,,	,,	17,141	2	,,	,,
Year ended 31st Decr. 1852, for do. do.	102,976¼	,,	6,886	,,	,,	18,994	2	,,	,,
Year ended 31st Decr. 1853, for do. do.	105,596	,,	5,122½	,,	,,	22,650	3	,,	14
Year ended 31st Decr. 1854, for do. do.	109,684¼	,,	6,166½	,,	,,	19,557	2	,,	,,
Year ended 31st Decr. 1855, for do. do.	113,561¼	,,	6,316½	,,	,,	29,154	2	,,	25
Year ended 31st Decr. 1856, for do. do.	110,504¾	,,	6,642	,,	,,	29,629	3	,,	,,
Year ended 31st Decr. 1857, for do. do.	104,668½	,,	4,393½	,,	,,	34,310	,,	,,	,,
Year ended 31st Decr. 1858, for do. do.	95,596	,,	4,584	,,	,,	32,152	,,	,,	,,
Year ended 31st Decr. 1859, for do. do.	118,383	,,	5,362½	,,	,,	35,923	,,	,,	,,
Year ended 31st Decr. 1860, for do. do.	115,688	,,	4,339½	,,	,,	32,221	,,	,,	,,
Year ended 31st Decr. 1861, for do. do.	82,344¾	,,	4,145½	,,	,,	26,961	,,	,,	,,
Year ended 31st Decr. 1862, for do. do.	100,657½	,,	7,735½	,,	,,	32,969	3	,,	,,
Year ended 31st Decr. 1863, for do. do.	129,725¾	,,	7,337	,,	,,	53,736	,,	,,	,,
Year ended 31st Decr. 1864, for do. do.	107,758¼	,,	7,963½	,,	,,	46,461	,,	,,	,,
Year ended 31st Decr. 1865, for do. do.	112,807	,,	7,678	,,	,,	44,928	3	,,	,,

N.B.—The Books of this department do not exhibit the Total Quantity of Cod, Ling, or Hake *Cured* till the Year commencing 5th April 1825. The Bounty, from the commencement of this Abstract to the 5th of April 1830, was 4s. per cwt. for Fish cured Dried, and 2s. 6d. per Barrel for Fish cured in Pickle, taken by the Crews of Vessels or Boats *not* on the Tonnage Bounty; while the Bounty for Vessels licensed for the Cod and Ling Fishery, on the *Tonnage* Bounty, was 50s. per Ton, for Tonnage and Cargo to the 5th of July 1826; 45s. from thence to the 5th of July 1827; 40s. to the 5th of July 1828; and 35s. to the 5th of April 1830, when the Bounties ceased altogether, and have not since been renewed.

Board of Fisheries,
Edinburgh, 1st June 1866.

B. F. PRIMROSE, *Secretary.*

FISHERY STATISTICS.

No. I.

FISHERY STATISTICS.—Account of the Number of Boats in SCOTLAND and the ISLE of MAN, whether Decked or Undecked, *irrespective* of the places to which they belong, employed in the Herring Fishery in the Season of 1865, for one selected Week of each District; with the Number of Fishermen and Boys by whom manned; of Coopers, Gutters, Packers, and Labourers employed at the said Fishery in the Week so selected, and the Total Number of all such Fishermen and other Persons so employed.

Districts where the Boats were employed at the Herring Fishery.	Boats.	Fishermen and Boys.	Coopers.	Gutters and Packers.	Labourers.	Total Fishermen and other Persons employed.
	Number.	*Number.*	*Number.*	*Number.*	*Number.*	*Number.*
Leith,	61	244	35	100	75	454
Eyemouth,	746	3,653	156	996	269	5,074
Greenock,	74	239	„	„	13	252
Ballantrae,	67	173	4	50	18	245
Rothesay,	550	1,650	40	300	65	2,055
Inverary,	715	1,787	31	640	44	2,502
Campbeltown,	144	432	3	30	„	465
Loch Carron and Skye,	340	1,020	„	200	„	1,220
Loch Broom,	737	2,948	11	230	4	3,193
Stornoway,	850	4,177	193	2,057	60	6,487
Shetland Isles,	340	1,368	43	500	7	1,918
Orkney Isles,	238	1,253	48	707	11	2,019
Wick,	977	5,862	298	2,614	231	9,005
Lybster,	239	1,217	73	601	66	1,957
Helmsdale,	425	2,295	128	1,285	79	3,787
Cromarty,	300	1,650	61	641	56	2,408
Findhorn,	306	1,530	91	891	129	2,641
Buckie,	179	953	55	545	81	1,634
Banff,	172	860	55	1,026	80	2,021
Fraserburgh,	334	1,672	99	957	117	2,845
Peterhead,	500	2,470	173	1,220	142	4,005
Montrose,	435	2,175	107	786	86	3,154
Anstruther,	410	2,270	138	890	257	3,555
Isle of Man,	320	2,240	20	90	130	2,480

Board of Fisheries,
Edinburgh, 1st June 1866.

B. F. PRIMROSE, *Secretary.*

No. II.

FISHERY STATISTICS.—ACCOUNT for SCOTLAND and the ISLE OF MAN, of the Number and Tonnage of Boats, Decked or Undecked, employed in the Shore Curing Herring, and Cod and Ling Fisheries, in the Year ended 31st December 1865, with the Districts to which they belong; the Number of Fishermen and Boys by whom manned; the Number of Fish-curers and Coopers; with the estimated value of Boats, Nets, and Lines.

DISTRICTS.	Boats.	Tonnage.	Fishermen and Boys.	Fish-curers.	Coopers.	All other Persons Estimated.	Estimated			
							Value of Boats.	Value of Nets.	Value of Lines.	TOTAL VALUE.
	Number.	*Tons.*	*Number.*	*Number.*	*Number.*	*Number.*				
Leith,	541	5,334	1,249	17	72	904	£16,823	£21,905	£2,324	£41,052
Eyemouth,	717	8,448	1,884	61	156	2,006	28,383	31,326	5,657	65,366
Greenock,	191	972	475	25	22	363	4,883	5,704	258	10,845
Ballantrae,	320	726	710	17	9	485	2,915	3,658	702	7,275
Glasgow,	37	264	107	27	30	616	1,550	1,180	70	2,800
Rothesay,	287	1,828	659	49	30	1,066	7,779	9,164	231	17,174
Inverary,	1,150	4,849	2,678	91	31	905	15,155	33,835	1,660	50,650
Campbeltown,	407	1,973	1,140	46	6	382	11,262	14,026	733	26,021
Loch Carron and Skye,	820	3,193	2,460	41	1	1,269	7,800	19,214	2,843	29,857
Loch Broom,	724	5,048	2,896	14	9	2,510	11,007	34,752	2,735	48,494
Stornoway,	855	6,002	3,286	21	39	3,201	17,968	19,512	8,509	45,989
Shetland Isles,	632	1,120	2,937	53	43	1,099	5,828	5,960	4,283	16,071
Orkney Isles,	628	3,562	2,322	24	49	1,112	8,844	11,287	477	20,608
Wick,	1,008	10,431	3,870	109	297	4,057	37,674	56,762	3,056	97,492
Lybster,	346	3,832	1,580	35	73	809	10,968	19,200	365	30,533
Helmsdale,	240	2,199	827	26	128	1,382	4,682	12,947	1,197	18,826
Cromarty,	308	2,894	924	16	61	1,317	7,559	11,291	1,895	20,745
Findhorn,	463	4,066	1,635	33	99	2,954	11,882	23,060	3,197	38,139
Buckie,	691	8,022	2,570	32	53	2,826	27,056	34,300	8,112	69,468
Banff,	340	2,970	945	30	53	1,442	7,210	14,160	2,435	23,805
Fraserburgh,	531	4,472	1,313	35	99	2,016	11,604	20,385	4,314	36,303
Peterhead,	386	3,636	1,055	41	173	3,085	15,800	13,740	2,952	32,492
Montrose,	636	4,477	1,538	26	107	2,340	15,128	14,666	6,680	36,474
Anstruther,	734	8,802	2,779	74	138	3,928	29,315	61,673	10,615	101,603
Total for Scotland,	12,992	99,120	41,839	943	1,778	42,074	£319,075	£493,707	£75,300	£888,082
Isle of Man,	658	5,793	2,620	68	18	915	33,552	29,930	5,000	68,482
Grand Total,	13,650	104,913	44,459	1,011	1,796	42,989	£352,627	£523,637	£80,300	£956,564

Board of Fisheries,
Edinburgh, 1st June 1866.

B. F. PRIMROSE, *Secretary.*

No. III.

FISHERY STATISTICS.—ACCOUNT of the Tonnage of Shipping and of the number of Seamen engaged in the Trade of the Herring and Cod and Ling Fisheries in SCOTLAND and the ISLE OF MAN, in the Year ended 31st December 1865; distinguishing those employed in Importing Stave Wood, Hoops, and Salt, in carrying Herrings or Cod Fish Coastwise, or Exporting them abroad, and distinguishing British from Foreign Tonnage and Men.

DISTRICTS.	TONNAGE AND MEN.												Grand Total of Tonnage and Men.			
	Importing Stave Wood or Hoops for the Fisheries.				Importing Salt for the Fisheries.		Carrying Herrings or Cod-Fish Coastwise to Market.		Exporting Herrings or Cod-Fish.							
	British.		Foreign.		British.		British.		British.		Foreign.		British.		Foreign.	
	Tons.	Men.	Tons.	Men.	Tons.	Men.	Tons.	Men.	Tons.	Men.	Tons.	Men.	Tons.	Men.	Tons.	Men.
Leith,	280	25	500	40	1,150	96	„	„	2,133	213	„	„	3,563	334	500	40
Eyemouth,	103	7	„	„	2,630	197	1,828	127	333	22	260	19	4,894	353	260	19
Greenock,	„	„	„	„	280	20	250	18	439	28	„	„	969	66	„	„
Ballantrae,	„	„	„	„	151	15	190	15	„	„	„	„	341	30	„	„
Glasgow,	80	5	„	„	170	10	2,000	80	1,154	55	„	„	3,404	150	„	„
Rothesay,	10	3	„	„	457	26	3,456	100	„	„	„	„	3,923	129	„	„
Inverary,	„	„	„	„	620	52	2,850	241	„	„	„	„	3,470	293	„	„
Campbletown,	„	„	„	„	253	17	320	14	30	6	„	„	603	37	„	„
Loch Carron and Skye,	„	„	„	„	910	49	2,870	101	112	14	„	„	3,892	164	„	„
Loch Broom,	„	„	„	„	380	21	300	16	„	„	„	„	680	37	„	„
Stornoway,	59	5	156	10	1,284	111	2,326	194	5,022	438	„	„	8,691	748	156	10
Shetland Isles,	„	„	„	„	1,686	114	1,543	103	729	50	1,672	131	3,958	267	1,672	131
Orkney Isles,	„	„	„	„	537	51	350	38	679	49	„	„	1,566	138	„	„
Wick,	1,775	136	3,475	264	4,308	339	1,396	169	6,493	408	1,004	65	13,972	1,052	4,479	329
Lybster,	273	18	„	„	967	93	160	14	1,713	134	124	11	3,113	259	124	11
Helmsdale,	325	51	160	15	1,160	82	322	38	1,899	129	181	13	3,706	300	341	28
Cromarty,	„	„	„	„	1,171	74	200	13	920	80	187	12	2,291	167	187	12
Findhorn,	233	19	„	„	1,417	98	77	14	3,109	203	401	26	4,836	334	401	26
Buckie,	76	6	„	„	759	41	139	12	1,216	88	66	5	2,190	147	66	5
Banff,	140	9	210	15	355	20	100	5	1,296	84	80	5	1,891	118	290	20
Fraserburgh,	297	17	419	35	1,349	96	297	23	3,586	235	288	23	5,529	371	707	58
Peterhead,	„	„	617	46	1,516	101	540	40	3,200	194	1,115	60	5,256	335	1,732	106
Montrose,	586	41	60	4	1,363	83	400	30	766	47	„	„	3,115	201	60	4
Anstruther,	338	24	48	4	1,134	76	987	102	231	15	„	„	2,690	217	48	4
Total for Scotland,	4,575	366	5,645	433	26,007	1,882	22,901	1,507	35,060	2,492	5,378	370	88,543	6,247	11,023	803
Isle of Man,	„	„	„	„	1,460	140	3,850	280	300	39	„	„	5,610	459	„	„
Grand Total,	4,575	366	5,645	433	27,467	2,022	26,751	1,787	35,360	2,531	5,378	370	94,153	6,706	11,023	803

Board of Fisheries,
Edinburgh, 1st June 1866.

B. F. PRIMROSE, *Secretary.*

No. IV.

FISHERY STATISTICS.—ABSTRACT of the preceding Accounts, showing the Tonnage of Vessels and Number of Seamen, the Tonnage of Boats and Number of Fishermen and Boys, and the Number of all other Persons employed in the Fisheries in SCOTLAND and the ISLE OF MAN in the Year ended 31st December 1865.

ABSTRACTS.	Tonnage of Vessels and Number of Seamen.				Tonnage of Boats and Number of Fishermen and Boys.		Number of all other persons employed in the Fisheries.	Total Tonnage and Persons employed in the Fisheries.			
	British.		Foreign.					British.		Foreign.	
	Tons.	Seamen.	Tons.	Seamen.	Tons.	Fishermen and Boys.		Tons.	Persons.	Tons.	Persons.
SCOTLAND.											
Total of Herring Fishery Account, No. 1, .	3,827	716	...	...	...	...	...	3,827	716	...	...
Do. of Cod and Ling Fishery Account, No. 1,	4,798	1,388	...	...	...	...	...	4,798	1,388	...	...
Do. of Fishery Statistics Account, No. 2, .	...	...	...	...	99,120	41,839	44,795	99,120	86,634	...	...
Do. of do. No. 3, .	88,543	6,247	11,023	803	...	...	...	88,543	6,247	11,023	803
Total for Scotland, . . .	97,168	8,351	11,023	803	99,120	41,839	44,795	196,288	94,985	11,023	803
ISLE OF MAN.											
Total of Herring Fishery Account, No. 1, .	1,372	189	...	...	...	...	...	1,372	189	...	...
Do. of Fishery Statistics Account, No. 2, .	...	...	...	...	5,793	2,620	1,001	5,793	3,621	...	...
Do. of do. No. 3, .	5,610	459	...	...	...	...	...	5,610	459	...	...
Total for Isle of Man, . . .	6,982	648	...	...	5,793	2,620	1,001	12,775	4,269	...	...
Grand Total for Scotland and Isle of Man, .	104,150	8,999	11,023	803	104,913	44,459	45,796	209,063	99,254	11,023	803

Board of Fisheries,
Edinburgh, 1st June 1866.

B. F. PRIMROSE, *Secretary.*

Report by the Engineers on the State of the Harbour Works under the Charge of the Board of Fisheries.

Dunbar. In last year's Report it was stated that the works at Victoria Harbour, Dunbar, had been completed, but that the accounts of the Contractor had not been arranged. We have now to report that the whole of the accounts connected with that work have been settled.

Anstruther. The works for the Union Harbour at Anstruther were advertised for contract, and five offers were received. The offer of Messrs. A. Morrison and Son was recommended to the Board and was accepted.

Accordingly, Messrs. Morrison have commenced operations, and made some progress in quarrying stones—in collecting plant—and other preliminary preparations.

Eyemouth. Besides the above particulars, which relate to actual works either completed or about to be executed by the Board, our opinion, on the requisition of parties interested, was taken for an improvement of the Fishing Harbour of Eyemouth, and after making a survey, we rendered a Plan and Report to the Board, which was submitted by them to the consideration of the promoters of the improvement, and approved of; but as yet the funds required to enable the works to be proceeded with have not been produced.

D. & T. STEVENSON,
Engineers.

Edinburgh, 31*st December* 1865.

HARBOUR ACCOUNTS.

GENERAL ACCOUNT, PIERS OR QUAYS.

An Account of the Sums Received and Paid by the Commissioners for the British Fisheries for Building or Repairing Piers or Quays in Scotland, under the Act 5th George IV. Cap. 64, in the year ended 31st December 1865.

1865.	*Dr.*					
	To Balance remaining at 31st December 1864,			£6,526	17	4
	Deduct misprint in summation of General Account of Piers or Quays in Annual Report for year ended 31st December 1860,	£100	0 0			
	Less omission in Statement of Bank Interest in Annual Report for year ended 31st December 1862,	0	1 0			
				99	19	0
				£6,426	18	4
April 5.	To Bank Interest for the year ended 31st March 1865,			286	4	0
July 1.	To Cash, Parliamentary Grant for the year ending 31st March 1866,			3,000	0	0
Sept. 4.	To Cash from Promoters of Eyemouth Harbour, for preliminary survey and design by the Engineers for its Improvement,			25	0	0
Oct. 16.	To Cash from Contractor for Dunbar Harbour, being repayment of the Expenses incurred by the Board of Fisheries in bringing back from Dunbar to Leith the Diving Bell lent the Contractor for the Harbour Works there,			10	9	6
Nov. 17.	To Cash from the Magistrates of Dunbar, being License Dues collected at the Harbour: Fishing Season 1865,			162	17	10
				£9,911	9	8
	To settlement of Accounts for Dunbar Harbour Works, viz.:					
	Payments in Annual Report for year ended 31st December 1860, there charged against the Board's Annual Parliamentary Grant,		£10,284 8 6			
	Whereof, paid out of said Grant,	£5,556	0 6			
	Paid out of Public Works Loan,	4,728	8 0			
			10,284	8	6	
	To Payments made out of the Public Works Loan, as above,			4,728	8	0
				£14,639	17	8

1865.	*Cr.*			
Mar. 21.	By Payment to Engineers in full of their Engineering Charges for Dunbar Harbour,		£100	0 0
Oct. 14.	By Payment to Mr. Wilson, Contractor for Dunbar Harbour, being final Balance, and in full of his Contracts for the Works, and for the extra Works there,		2,338	13 9
Nov. 16.	By Payment to Mr. Wilson, Contractor for Dunbar Harbour, being Bank Interest from the 14th of February to the 14th of October 1865, upon the Arbiter's award to him of £1200,		24	15 1
,,	By repayment to Mr. Wilson, Contractor for Dunbar Harbour, of the sum paid by him for bringing back from Dunbar to Leith the Diving Bell lent for the Works, as per *contra*,		10	9 6
		£2,473	18	4
	By Balance remaining at 31st December 1865,	12,165	19	4
		£14,639	17	8

B. F. PRIMROSE, *Secretary.*

Board of Fisheries, Edinburgh, 1st June 1866.

ABSTRACT showing the EXPENDITURE on each of the HARBOUR WORKS carrying on by the BOARD OF FISHERIES in the year ended 31st December 1865.

Dr.

DUNBAR HARBOUR.

1865.	To Cash from Mr. Wilson, Contractor for Dunbar Harbour, being repayment of the Expenses incurred by the Board of Fisheries in bringing back from Dunbar to Leith the Diving Bell lent him for the Works at Dunbar, .	£10	9	6
„	To Cash from the Inspector of Works, being repayment of the unexpended Balance of Instalments made to him for Days' Wages to complete the Works, . . .	32	10	6
„	To Cash from the Board of Fisheries to complete the Works, and close the Accounts with the Contractor, . .	5,239	8	8
		£5,282	8	8

Cr.

COUNTY OF HADDINGTON.

1865.	By Balance overdrawn, brought forward from last year's Abstract, ...	£2,744	12	10
„	By Error upon the Bank Interest in Annual Report for the year ended 31st December 1860, there stated at £203, 11s. 1d., whereas it was only £139, 13s. 7d.; difference to be added as deficiency to the Balance overdrawn, ...	63	17	6
„	By Payment in full of Engineering Fees, . .	100	0	0
„	By Payment in full, being final payment for the Harbour Works, ...	2,338	13	9
„	By Payment to Contractor, being Bank Interest on Arbiter's award to him of £1200, upon completion of Works, ...	24	15	1
„	By Repayment to Contractor of the sum paid by him for bringing back from Dunbar to Leith the Diving Bell lent him, as per *contra*, . . .	10	9	6
		£5,282	8	8

Board of Fisheries,
Edinburgh, 1st June 1866.

B. F. PRIMROSE, *Secretary.*

REPORT

BY THE

COMMISSIONERS FOR THE BRITISH FISHERIES,

OF THEIR PROCEEDINGS

IN THE YEAR ENDED 31ST DECEMBER 1865.

BEING FISHING 1865.

REPORT

OF

THE COMMISSIONERS

APPOINTED TO INQUIRE INTO THE

SEA FISHERIES OF THE UNITED KINGDOM.

Vol. I.

THE REPORT, AND APPENDIX.

Presented to both Houses of Parliament by Command of Her Majesty.

LONDON:
PRINTED BY GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.
FOR HER MAJESTY'S STATIONERY OFFICE.

1866.

8077.

TABLE OF CONTENTS.

PAGE

COPY OF COMMISSION - - - - - - - - - - - vii

MAP SHEWING THE TOWNS AND FISHING STATIONS VISITED BY THE COMMISSIONERS - (*facing p.* ix)

REPORT:—

I. ENUMERATION OF FISHING STATIONS VISITED - - - - - - ix

II. REPLIES TO THE QUESTIONS SUBMITTED TO THE COMMISSIONERS.

WHETHER THE SUPPLY OF FISH FROM SEA FISHERIES IS INCREASING, STATIONARY, OR DIMINISHING.

The supply fluctuates - - - - - - - x

The number of men and boats employed is increasing - - - x

The quantity of fish carried by the railroads is increasing - - x, xi

The productiveness of the fishing grounds has not diminished - - xi

The herring fishery has not fallen off - - - - - xi

The price of fish has not risen in the same proportion as butchers' meat - xiv

The British fishing population has greatly increased since 1820, and the fishermen on the whole are far better off - - - - xiv

The oyster fisheries are in a depressed state owing to the scarcity of oysters - - - - - - - - xv

The Irish fisheries have greatly declined in consequence of the famine of 1848 and the subsequent emigration - - - - - xv, xvi

The weight of trawled fish supplied to the London market nearly equals the weight of beef supplied - - - - - - xvi

The price of fish paid to the fishermen is less than one-eighth of that of beef - - - - - - - - - xvi

The price paid by the consumer for prime fish is from 400 to 500 per cent. greater than that paid by the dealer to the fisherman - - xvi, xvii

Acre for acre, a fishing ground yields to the trawler much more food by weight than farm land yields to the agriculturist - - - xvii

WHETHER ANY OF THE METHODS OF CATCHING FISH IN USE IN THE SEA FISHERIES INVOLVES A WASTEFUL DESTRUCTION OF FISH, OR SPAWN; AND, IF SO, WHETHER IT IS PROBABLE THAT ANY LEGISLATIVE RESTRICTION UPON SUCH METHOD OF FISHING WOULD RESULT IN AN INCREASE OF THE SUPPLY OF FISH.

The principle upon which the replies to this question must be based - xviii

Classification of all complaints against modes of fishery under two heads (I. & II.) - - - - - - - - xviii

I. Complaints that a mode of fishing is wasteful and tends to diminish the supply of fish permanently - - - - - xviii

1. Complaints against beam trawling in the open sea - - xviii

There are not fewer than 955 sail of beam trawlers. They are manned by 5,000 souls, representing a capital of 1,000,000*l.*, and supply the markets with not less than 300 tons of fish daily - - - - xviii

The assertion that trawled fish is commonly brought up damaged and unwholesome, is absurd - - xx

There is no evidence that trawling tears up and destroys the spawn of fish - - - - - xx

A certain proportion of unsizeable fish is taken by the trawl net - - - - - xxi

There is no evidence that trawling has permanently diminished the supply of fish anywhere; there is proof that in particular localities it has been carried on from 50 to 100 years without causing any diminution of the supply - - - - - xxi, xxii, xxiii

Summary of conclusions respecting beam trawling - xxv

2. Complaints against sweep-net fishing and fishing with small-meshed nets and weirs in bays and estuaries - - xxvi

A. Beam trawling in bays and estuaries.

The case of Galway Bay - - - - xxvi to xxxii

The case of Dingle Bay - - - - xxxii to xxxiv

The case of Carmarthen Bay - - - xxxiv

The case of Rye Bay - - - xxxv to xxxviii

PAGE

Along a large part of the coast and in many of the bays beam trawling never takes place - - xxxviii
Discussion of the effects of the prohibition of trawling in Ireland - - - - - xxxix
The prohibitions have either not been observed, or if observed, have been of no benefit to the fisheries xl
B. Shrimping.
As carried on in the estuary of the Thames with supervision - - - - - xli
As carried on in Morecambe Bay without supervision - - - - - - xli
In both cases the supply of shrimps shows no signs of diminution - - - - - xli
Destruction of flat fish by natural causes in Morecambe Bay and in the Solway - - - xlii
C. Circle-net fishing.
The conclusions of the Commissioners are in accordance with those of the Royal Commission of 1862 xliii
Three years suppression of circle-net fishing has had not the slightest effect in improving the herring fisheries of Loch Fyne - - - - xliv
The outcry against circle-net fishing has mainly arisen from the effect of that mode of fishing in lowering prices - - - - - xlv
Fresh herrings caught by the circle-net meet with as ready a market and are as wholesome as drift herrings - - - - - xlv
D. Seines, stop-nets, weirs, and stow nets - - - xlvi
The practice of selling fish for manure - - - xlvi
3. Summary of conclusions respecting the complaints enumerated under (I.) - - - - - - - xlvi
II. Complaints that a mode of fishing interferes with the lawful occupations of fishermen of another class, or of other persons.
1. Complaints against beam trawlers - - - - xlvii
A. By long-line fishermen - - - - xlvii
B. By drift fishermen - - - - - xlviii
C. By trammel fishermen - - - - - l
2. Complaints against trammel-net fishermen by line fishermen, and more particularly the case of the Dungarvan fishermen li, lii
3. Complaints against pilchard drift-net fishermen on the part of the pilchard seine, or circle-net, fishermen - - liii
4. Complaints against herring seine, and circle, nets by drift fishermen - - - - - - - - liv
1. No satisfactory evidence that "trawling" for herrings disperses the shoal - - - - lv
2. "Trawling" and drift-net fishing may go on together in the lower and more open part of Loch Fyne lvi
As a matter of police, it may be advisable to prohibit trawling for herrings in the upper waters of Loch Fyne - - - - - - lvii
5. Complaints by small pilchard seine owners against large seine owners - - - - - - lviii
Such complaints at present remediable by ordinary process at law - - - - - - lviii
6. Complaints against foreign fishermen - - - lix
7. Summary of conclusions respecting the complaints enumerated under (II.) - - - - - lxi

WHETHER ANY EXISTING LEGISLATIVE RESTRICTIONS OPERATE INJURIOUSLY UPON ANY OF THE SEA FISHERIES.

I. A summary account of the working of existing laws - - - lxii
i. Unrestricted fisheries - - - - - - - lxii
ii. Restricted fisheries - - - - - - - lxii
1. General restrictions.
The Convention Act - - - - - lxii
Difference of opinion respecting the limits within which this Act is operative - - - - lxiii
The Act has no bearing on boats of other countries than France and England - - - - lxiv
The Act of 1 Geo. I. cap. 18. - - - - lxiv

PAGE

England has no Fishery Board - - - - lxiv
Enumeration of the Acts regulating the Scotch fisheries - lxiv
Acts under which the Commissioners of Public Works for Ireland have authority over the Irish fisheries - - lxv
The policy of this Board has been to interfere as little as possible - - - - - - - - lxvi
2. Restrictions upon particular fisheries - - - - lxvii
A. Restrictions upon the herring fishery.
The herring fishery free in England and Ireland - lxvii
The herring fishery legally, but not actually, restricted in the Isle of Man - - - - - lxvii
The close-time Act for Scotland, and its effects upon the fisheries and the fishermen - - - - lxvii
The partial repeal of this Act in the last session of Parliament - - - - - - lxviii
Any net, provided its mesh measure an inch from knot to knot, may be used for taking herrings in England, Ireland, and the Isle of Man - - - lxviii
In Scotland the taking of herrings by any but the drift net illegal. Injurious effects of this regulation - lxviii
The herring fishery further professedly regulated by many articles of the Convention Act. The extent to which they are useful and practically carried out - lxviii–lxx
The constitution, powers, operations, and cost of the Board of British White Herring Fishery, commonly known as the "Scotch Fishery Board" - - lxx–lxxii
B. Restrictions upon mackerel fishing - - - - lxxii
C. Restrictions upon trawling, and upon set and anchored nets - lxxiii
D. Restrictions upon oyster fisheries (see pp. lxxxiii to cii).
E. Local regulations relating to other than oyster fisheries - lxxiii
a. The bye-laws of the Irish Fishery Commissioners - lxxiii
b. Laws relating to pilchard fishing in Cornwall - - lxxiii
c. Local regulations respecting mussels - - - lxxiv
d. Regulations affecting the fisheries of estuaries - - lxxiv
II. Are any, and if so, what, existing laws superfluous, defective, or injurious?
1. The Convention Act - - - - - - - lxxiv
2. The Acts giving the Commissioners of Public Works power over the Irish Fisheries, and those constituting and empowering the Scotch Fishery Board - - - - - - - - lxxiv
The tendency of the experience of the Boards towards a policy of non-interference - - - - - lxxiv
The functions of the Scotch Fishery Board.
1. The utility of the inspection of cure performed by the Scotch Fishery Board considered - - - - - lxxiv
2. The expediency of continuing or discontinuing the branding system considered - - - - - lxxiv
Sir John Lefevre's report - - - - lxxv
The Treasury minute of 1855 - - - lxxv
The reply of the Board of Fisheries to this minute - lxxv
Memorials and letters in support of and against the branding system - - - - - lxxvi
The report of the Treasury Commission of 1856 -
The report of Messrs. Price & St. John. Appendix No. 47.
The opposing report of Admiral Sulivan. Appendix No. 47.
Summary and discussion of the arguments for and against the brand - - - - lxxvii, lxxviii
Conclusion, that the continuance of the white herring brand is unnecessary - - - - lxxix
3. Concurrence with Admiral Sulivan's condemnation of the regulation of measures, size and condition of barrels by the Scotch Fishery Board - - - - - - lxxix
4. The machinery of the Fishery Board neither adequate to, nor necessary for, the collection of fishery statistics - - lxxx
5. The harbour expenditure of the Fishery Board - - lxxx
6. The police functions of the Board superfluous - - lxxx
7. General conclusion that the Acts constituting the Board of British White Fisheries are unnecessary - - lxxx

	Page
3. The Acts enforcing close-time and prohibiting trawling for herrings on the west coast of Scotland	lxxx
4. The Acts affecting the sizes of meshes of nets	lxxx
5. Regulations concerning the lighting and numbering of boats	lxxxi
6. Recent legislation of the Dutch upon fisheries, abolishing restrictions	lxxxi
7. Regulations relating to oysters and oyster fishing in general	lxxxii
Articles of the Convention Act relating to oyster fishing	lxxxii
Complaints respecting the enforcement of these articles by the Kent and Essex dredgers, and action of the Board of Trade thereupon	lxxxiii
Difficulties in the way of enforcing the articles in the Channel, and supplementary legislation	lxxxiii
Uncertainty respecting the state of the law and its injurious effect upon the trade	lxxxiv
Legislation upon oyster fishing in Ireland	lxxxv
Summary of the actual state of the law regarding oyster fisheries in the United Kingdom	lxxxv
Interpretation of the law by officers of the Government	lxxxv
Effects of the enforcement of the articles of the Convention Act	lxxxvi
I. Oyster fishing in the deep-sea beds	lxxxvii
The Channel oyster beds	lxxxvii
The Great Grimsby oyster beds	lxxxvii
The Arklow beds	lxxxviii
The Wexford beds	lxxxviii
II. Oyster fishing on the beds within the three-mile limit	lxxxviii
1. The oyster beds of Kent and Essex	lxxxviii
The system pursued in the estuary of the Thames in general. No enforcement of close-time or restriction of size on public beds	lxxxviii, lxxxix
The Whitstable oyster fishery	xc
The Faversham Company	xci
The Colne fisheries	xci
Summary view and comparison of the operations of these companies	xcii
2. Other oyster beds within the three-mile limit. Restrictions observed	xcii
Oyster beds of the Solent	xciii
Of Portland Bay	xciii
Of Falmouth	xciii
Of Swansea Bay and Milford Haven	xciii
Of Ireland	xciii, xciv
Of Scotland	xciv
III. Comparison of the systems described under (1) & (2)	xciv
IV. Discussion of the utility of the enforcement of close-time upon oyster beds	xcv–xcviii
Interference with working upon private beds during close-time injurious	xcv
Complexity of the conditions on which the prosperity of an oyster bed depends	xcv
Arguments in favour of and against a close-time for oysters	xcv–xcviii
V. Discussion of the utility of regulating the size of the oysters taken	xcviii
VI. Desirability of facilitating the formation of private oyster beds	xcix–ci
VII. Discussion of the utility of the remaining articles of the Convention Act relating to oysters	ci
VIII. Sufficiency of existing laws for the protection of oyster beds	cii
III. Conclusions	ciii
IV. Recommendations	cvi
APPENDIX	1

COMMISSION.

Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.

To Our trusty and well-beloved James Caird, Esquire, Thomas Henry Huxley, Esquire, and George Shaw Lefevre, Esquire, greeting.

Whereas We did by Our Letters Patent, bearing date at Westminster the Eleventh day of July, in the Twenty-seventh year of Our reign, authorize and appoint Our trusty and well-beloved Vere Henry Hobart, Esquire (commonly called Lord Hobart), together with you the said James Caird and Thomas Henry Huxley, to be Our Commissioners to inquire into the Sea Fisheries of Our United Kingdom of Great Britain and Ireland, with the view of increasing the supply of a favourite and nutritious article of food for the benefit of the Public, and to ascertain:

1. Whether the supply of Fish from such Fisheries is increasing, stationary, or diminishing.
2. Whether any of the methods of catching Fish in use in such Fisheries involves a wasteful destruction of Fish or Spawn, and, if so, whether it is probable that any legislative restriction upon such method of fishing would result in an increase of the supply of Fish.
3. Whether any existing legislative restrictions operate injuriously upon any of such Fisheries, as by the said Letters Patent, reference being thereunto had, will more fully appear.

Now Know Ye, that We have revoked and determined, and by these Presents do revoke and determine, the said recited Letters Patent, and every Clause, Article, and Thing therein contained.

And further Know Ye, that We, reposing great trust and confidence in your fidelity, discretion, and integrity, have authorized and appointed, and by these Presents do authorize and appoint, you, the said James Caird, Thomas Henry Huxley, and George Shaw Lefevre, to be Our Commissioners to inquire into the Sea Fisheries of Our United Kingdom of Great Britain and Ireland, with the view of increasing the supply of a favourite and nutritious article of food for the benefit of the Public, and to ascertain:

1. Whether the supply of Fish from such Fisheries is increasing, stationary, or diminishing.
2. Whether any of the methods of catching Fish in use in such Fisheries involves a wasteful destruction of Fish or Spawn, and, if so, whether it is probable that any legislative restriction upon such method of fishing would result in an increase of the supply of Fish.
3. Whether any existing legislative restrictions operate injuriously upon any of such Fisheries.

And for the better discovery of the truth in the Premises, We do by these Presents give and grant unto you or any two of you full power and authority to call before you or any two of you such persons as you shall judge necessary, by whom you may be the better informed of the truth in the Premises.

And We do further by these Presents give and grant unto you or any two of you full power and authority to inquire into the Premises and every part thereof by all lawful ways and means whatsoever.

And We do also give and grant to you or any two of you full power and authority to cause all persons to bring and produce before you or any two of you all and singular books, records, papers, and other writings touching the Premises which shall be in the custody of them or any of them.

And Our further will and pleasure is that upon due examination of the Premises you do report to Us in writing under your hands and seals, within the space of Six Months after the date of these Presents, what you shall find touching or concerning the Premises upon such inquiry as aforesaid, with the opinion formed by you thereon.

And We do further will and command, and by these Presents ordain, that this Our Commission shall continue in full force and virtue, and that you Our said Commissioners or any two of you shall and may from time to time proceed in the execution thereof, although the same be not continued from time to time by adjournment.

And We hereby command all and singular the Justices of the Peace, Sheriffs, Mayors, Bailiffs, Constables, Officers, Ministers, and all other Our loving Subjects whomsoever, as well within liberties as without, that they be assistant to you and each of you in the execution of these Presents.

And for your assistance in the due execution of this Our Commission, We have made choice of Our trusty and well-beloved Edmund William Hunt Holdsworth, Esquire, to be Secretary to this Our Commission, and to attend you, whose services and assistance We require you to use from time to time as occasion shall require.

In Witness whereof We have caused these Our Letters to be made Patent.

Witness Ourself at Westminster, the Twenty-first day of September, in the Twenty-seventh Year of Our Reign.

By Warrant under the Queen's Sign Manual.

C. ROMILLY.

Lerwick

Kirkwall

Wick

Sternoway

Portree

Cromarty

Peterhead

Stonehaven

Tobermory

T. G.

Anstruther

Edinburgh

Greenock

Nth Berwick

Dunbar

Tynemouth

Holy Island

Nth Sunderland

Ballantrae

Newbiggin

T. G.

Dumfries

Fullercoats

Sunderland

Moville

Inver

Carrickfergus

20 faths line

Dogger Bank

T. G.

MAP OF THE UNITED KINGDOM,

Showing the

PLACES VISITED BY THE SEA FISHERIES COMMISSION.

And indicating the boundaries of some of the more frequented Trawling Grounds so far as the limits can be accurately defined. These grounds are marked T. G. It must be observed that new grounds are being constantly discovered.

Day & Son, (Limited) Lith.

REPORT.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

We, the undersigned Commissioners appointed by Your Majesty to inquire into the condition of the Sea Fisheries of the United Kingdom of Great Britain and Ireland, and especially instructed, by the terms of Your Majesty's Commission, to ascertain firstly, whether the supply of fish is increasing, stationary, or diminishing; secondly, whether any modes of fishing which are practised are wasteful, or otherwise injurious to the supply of fish; and, thirdly, whether the said fisheries are injuriously affected by any legislative restrictions, humbly submit the following Report of our proceedings to Your Majesty.

Commencing our inquiries on the 22nd of September 1863, we have visited and taken evidence at the following places, 86 in all:—

In England:

Holy Island, North Sunderland, Newbiggin, Cullercoats, Sunderland, Hartlepool, Staithes, Filey, Flamborough, Hull, Great Grimsby, Boston, King's Lynn, Great Yarmouth, Lowestoft, Harwich, Brightlingsea, Billingsgate, London (where we held three meetings), Whitstable, Ramsgate, Hastings, Brighton, Shoreham, Lyme Regis, Exeter, Torquay, Brixham, Torcross, Plymouth, Polperro, Mevagissey, Falmouth, Penzance, St. Ives, Liverpool, Fleetwood, Morecambe Bay.

In Wales:

Swansea, Tenby, Caernarvon.

In Scotland:

Eyemouth, Dunbar, Edinburgh, Anstruther, Broughty Ferry, Stonehaven, Peterhead, Cromarty, Wick, Kirkwall, Lerwick, Stornoway, Portree, Broadford, Tobermory, Campbeltown, Tarbert, Ardrishaig, Inverary, Greenock, Ballantrae, Dumfries.

In the Isle of Man:

Peel, Port St. Mary.

In Ireland:

Dublin, Ringsend, Kingstown, Arklow, Wexford, Dunmore, Dungarvan, Kinsale, Bantry, Kenmare, Dingle, Galway, Westport, Inver, Moville, Carrickfergus, Carlingford, Dundalk, Balbriggan, Skerries, Howth.

The great extent of the coast line of the British Islands, the number of fishing ports of greater or less importance scattered along it, and the necessity of laying our Report before Your Majesty within a moderate time, combined to oblige us to limit our personal inquiries to the localities enumerated above.

In selecting these rather than others, we were guided by the importance of many as fishing ports; by memorials requesting investigation addressed to us by the inhabitants of others; by the results of the inquiries of our Secretary, whom we instructed to undertake a preliminary tour through the remoter and more scantily peopled districts, and to make arrangements for meetings of the Commissioners in such places and at such times as would best suit the convenience of the inhabitants, and allow of the full representation of their grievances; and, finally, by the necessity of obtaining information as to the working of official bodies, or of commercial companies, which have obtained control over fi[illegible]ries or fishing grounds.

We now proceed to state the results of our inquiries into the matters to which Your Majesty's Commission especially directs our attention. And, first:

WHETHER THE SUPPLY OF FISH FROM THE SEA FISHERIES IS INCREASING, STATIONARY, OR DIMINISHING?

Though there has been much conflicting evidence on this point, we have had no difficulty in coming to the conclusion that, on the coasts of Great Britain, the supply of fish is increasing, and that it admits of progressive increase.

It fluctuates according to the locality and the season of the year. In the autumn of 1863 the north-east coast of England yielded a meagre inshore fishing, while, in the following year, we found, on the east coast of Scotland, the haddock fishing had been one of the best ever known. And at the time that the inshore fishing was unproductive in 1863, that carried on by the decked vessels further to sea was yielding an abundant supply.

The evidence, where strongest in favour of a gradual decline in the yield of fish, was nearly always accompanied by statements showing a progressive increase in the number of men and boats engaged in the fishing. And not only have these numbers uniformly increased, but there has also been an increase in the length of each fishing line and the number of hooks upon it, in the length and depth of the nets, and in the size and sea-going qualities of the boats. The machinery for fishing has been increased in efficiency, while in proportion to that efficiency the cost of working it is actually diminished.

With the exception of the statistics of the northern herring fishery collected by the Scotch Fishery Board, there are no means of ascertaining, even approximately, the annual yield of fish on the coasts of the United Kingdom. The only facts we have been able to obtain are returns of the fish traffic on several of the great lines of railway by which the fish is transported from the fishing ports to the markets. These returns are given in the Appendix. Although confessedly incomplete, they furnish a fairly accurate comparative statement of the annual supply of fish from specified localities, and show, on the whole, a steadily progressive increase from year to year. The following table compiled from them gives the weight of fish carried on the lines of railway therein named, for each of the last nine years:—

QUANTITY OF FISH FORWARDED BY THE UNDER-MENTIONED RAILWAYS.

	1856.	1857.	1858.	1859.	1860.	1861.	1862.	1863.	1864.
	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.
North-Eastern -	8,153	9,704	14,272	18,887	18,715	23,405	23,017	23,510	23,470
Manchester, Sheffield, and Lincolnshire -	947	1,300	1,936	2,375	2,982	3,511	5,430	6,300	8,494
Great Northern -	1,362	3,089	3,750	3,787	3,595	3,464	5,270	5,221	5,343
South Devon -	1,252	1,063	1,657	2,391	2,176	2,957	3,152	2,802	3,030
Total -	11,714	15,156	21,615	27,440	27,468	33,337	36,869	37,833	40,337

It would thus appear that, within a period of nine years, the supply carried by these lines of railway has increased more than threefold.

We have, however, a more full return for the last three years, embracing nearly the whole line of coast from the Firth of Forth on the north, by the east, south, and west coasts of England to the Solway on the west, which is of a very satisfactory character.

QUANTITY OF FISH FORWARDED BY THE UNDER-MENTIONED RAILWAYS.

Railways.	1862.	1863.	1864.
	Tons.	Tons.	Tons.
North British (Firth of Forth and adjacent Ports)	12,292	11,507	15,088
North-Eastern (Northumberland, Durham, Yorkshire, and Lincolnshire Ports) -	23,017	23,510	23,470
Manchester, Sheffield, and Lincolnshire - -	5,430	6,300	8,494
Great Northern (Great Grimsby) - - -	5,270	5,221	5,343
Great Eastern (Norfolk and Suffolk Ports) -	42,995	51,829	56,409
London, Chatham, and Dover (Part of Coast of Kent)	587	878	1,403
Brighton and South Coast (Coast of Sussex)	1,741	1,436	1,937
South Devon („ Devon)	3,152	2,802	3,030
West Cornwall („ Cornwall)	1,288	707	2,295
Midland (Morecambe Bay, &c.) - - -	2,482	2,274	2,056
Chester and Holyhead (Carnarvon and Dublin) -	800	1,371	1,853
Preston and Wyre (Fleetwood, &c.) - -	670	886	1,003
	99,724	108,721	122,381

This return shows, in 1863, an increase of 11 per cent. over 1862, and, in 1864, of 12 per cent. over 1863. It is particularly interesting as bearing upon the alleged falling off of the take of fish on the eastern coast of England, where instead of a decline there is shown to be an annual increase exceeding 10,000 tons.

The increase which has taken place at particular ports is very strikingly exhibited in the returns given from Hull and Grimsby. The total weight of fish landed at Hull in 1854 was 1,571 tons. In 1864 it had increased to 10,782 tons. At Grimsby the fish traffic on the two lines of railway from that port had grown from 1,514 tons in 1856 to 11,198 tons in 1864. At Yarmouth it rose, in four years, from 20,399 tons in 1860 to 34,432 tons in 1864; and, in the same years, at Lowestoft, from 13,030 tons to 17,340 tons. Appendix Nos. 6, 7, & 8. Appendix No. 14.

The progressive state of the sea fisheries on the coasts of Great Britain, as shown by the increase in the number and size of boats at each fishing station, and the more improved fishing gear of every description, is clearly brought out in every part of the evidence. The apparent decline on the coast of Ireland seems to be due to other causes than any decrease of fish.

There is likewise abundant proof of the continued productiveness of the nearest and most frequented fishing grounds. The principal London salesmen concurred in their testimony to that effect. Not only are the fishing vessels constantly being increased in number, but the take of each vessel is increasing, and, from the speedier means of transport, the quality of the fish is improving. On the western part of the Dogger bank it is not uncommon for a single trawl vessel to take, in a three hours' trawl, from two to three tons' weight of fish; and a smack owner mentioned a recent case in which five of his vessels caught 17 tons of fish in one night. Similar testimony is borne to the prolific character of the fishing banks off Scarborough, Flamborough Head, Grimsby, and the coast of Norfolk. In the English Channel, the famous fishing ground of Rye bay, which has for a long period of years been constantly trawled over by both English and French fishermen, was stated to have yielded more fish during 1863 than in any previous year. In some of the bays on the south coast signs of over-fishing have been alleged to exist, but in the deep sea the well-known trawling grounds are constantly fished over with daily returning success. 7840. 13,240. 11,114. 11,117. 13,242. 60,772. 60,793. 17,054.

One of the principal sources of the supply of food from the sea is the herring fishery. The statistics of the Scotch herring trade show the quantities of cured fish only. During the last 25 years there has been no great fluctuation in the annual cure; but as the cure of 1862 was the greatest in the whole of that period, there can clearly be no permanent falling off in the take of herrings. The aggregate cure of each of the five yearly periods since 1840 is as follows:— 8424.

Five years ending	1844	3,039,000 barrels
ditto	1849	3,110,000 „
ditto	1854	2,983,000 „
ditto	1859	3,026,000 „
ditto	1864	3,372,000 „

These quantities are increased by the herring sent in a fresh state to market, the proportion of which to those which are cured being very considerable, and every year augmenting. In Loch Fyne, the returns of the whole take show one-third cured, to two-thirds sold in a fresh state. Appendix No. 44.

But the above figures represent only a portion of the Scotch herring fishery. There is no record of the vast quantities taken along the shores of the east coast of England, where the shoals are encountered and followed by fleets of fishing vessels pushing out from every port on the first sign of the welcome harvest. The evidence we have taken shows that the same fluctuations which are exhibited by the Scotch returns are felt on the English coast, but there is no indication of decline. At Scarborough during the past three years there seems to have been a marked and progressive increase. So plentiful are the herrings there, sometimes, that 700 to 800 tons are said to be sent thence into the interior of the country by railway in a single day. From Lowestoft vast quantities are distributed in a fresh state among the manufacturing towns during the period of the 12,668. 60,813.

13,778. fishery, Birmingham and Manchester taking the largest share. At Yarmouth, where from 3,000 to 4,000 men are engaged in the autumn herring fishery, the take of 1862
11,914, 12,090. and 1863 was better than had been known for 20 years. Nor is the benefit confined to our own country. The French boats follow the herring on the British coasts in large and increasing numbers, and the Dutch herrings, which are so much prized in the continental markets, are mostly caught within sight of the English shores.

The returns from Howth, printed in the Appendix (No. 32) give the particulars of the herring fishery there, which, within the last six or eight years, has grown from a small and uncertain business to a gross produce which last year realized upwards of 94,000*l.* Further up St. George's Channel, the Manx boats continue to be successful, and in Loch Fyne, in the Firth of Clyde, vast hauls are occasionally taken At certain times, indeed, the sea is really teeming with this fish, and the state of the weather, or the restrictions enforced by capricious legislation, are often the only causes of a temporary failure in the catch.

The pilchard fishery, though limited to the coasts of Cornwall and Devon, is a source of great profit there, and continues a yield equal, on the average, to that of any former cycle of years. The price to the consumer does not appear to have increased.

The shrimp fishery is becoming of some magnitude and is very profitable to the fishermen. It is annually increasing in productiveness, not only on the same fishing grounds, but by the fishermen removing to new and untried grounds, for the produce of which railways have rendered markets accessible.

There can be no better test of the supply of any commodity than the price it fetches through a series of years. In examining this part of the question, it is necessary to consider the vast increase of the range of consumers of fresh fish which has taken place, within recent years, by the extension of railway communication from the fishing ports to all the important towns in the kingdom. There is not now a considerable town in any part of this country which has not a regular supply of fresh fish. Year by year the more remote fishing stations are being reached by the railway. The immediate effect of this is to increase the price in the fishing towns and neighbourhoods which had previously the command of the supply,—while any general rise of price is, on the other hand, checked by new fishing stations being brought within the range of supply. It has thus been found that the new demand, arising from railway access to the central parts of the country, is to a great extent met by supplies from fishing ports which were, formerly, comparatively isolated. The result is a greater equality of price, and no material advance in the cost of the coarser kinds of fish which are most abundant, and are most consumed by the less wealthy class of the people.

We have found great difficulty in obtaining authentic returns of the average prices of fish in the principal towns; but the two which we annex may be taken as a fair example of the two classes, one an inland town, and the other a seaport :—

RETURN, showing the PRICES of FISH in the MANCHESTER FISH MARKET for the past 10 Years.—The figures show the Prices in the first Week in January.

Names of Fish.	1856.	1857.	1858.	1859.	1860.	1861.	1862.	1863.	1864.	1865.
Turbot, per lb.	1*s.* to 1*s.* 6*d.*	1*s.* to 1*s.* 9*d.*	10*d.* to 1*s.* 6*d.*	8*d.* to 1*s.*	1*s.* to 1*s.* 6*d.*	10*d.*	8*d.* to 1*s.*	8*d.* to 9*d.*	1*s.* 2*d.* to 1*s.* 6*d.*	8*d.* to 1*s.*
Soles „	3*d.* to 4*d.*	6*d.* to 8*d.*	5*d.* to 8*d.*	6*d.* to 10*d.*	4*d.* to 6*d.*	6*d.* to 8*d.*	6*d.* to 8*d.*	8*d.* to 10*d.*	8*d.* to 10*d.*	6*d.* to 8*d.*
Cod „	2*d.* to 4*d.*	3*d.* to 6*d.*	2*d.* to 6*d.*	3*d.* to 4*d.*	6*d.*	4*d.*	3*d.* to 4*d.*	3*d.* to 4*d.*	4*d.* to 6*d.*	3*d.* to 4*d.*
Sparlings „	1*s.* 6*d.*	1*s.* 6*d.*	8*d.* to 1*s.* 2*d.*	8*d.* to 1*s.* 2*d.*	1*s.*	10*d.* to 1*s.* 2*d.*	8*d.* to 1*s.*	1*s.*	10*d.* to 1*s.*	1*s.* to 1*s.* 6*d.*
Haddock „	2*d.* to 4*d.*	2*d.* to 4*d.*	4*d.* to 8*d.*	2*d.* to 3*d.*	4*d.* to 6*d.*	3*d.* to 4*d.*	4*d.*	4*d.* to 5*d.*	3*d.*	3*d.* to 4*d.*
Plaice „	2*d.*	1½*d.* to 2*d.*	2*d.* to 3*d.*	2*d.* to 3*d.*	2*d.* to 3*d.*	2*d.* to 3*d.*	2*d.*	2*d.*	1½*d.* to 2*d.*	1½*d.* to 2*d.*
Brill „	4*d.* to 6*d.*	4*d.* to 6*d.*	6*d.* to 8*d.*	5*d.* to 6*d.*	6*d.* to 8*d.*	4*d.* to 5*d.*	4*d.* to 6*d.*	4*d.* to 5*d*	5*d.* to 6*d.*	4*d.* to 5*d.*
Ray „	2*d.*	2*d.* to 4*d.*	3*d.* to 4*d.*	3*d.*	3*d.*	3*d.* to 4*d.*	3*d.*	3*d.*	3*d.*	3*d.*
Halibut „	4*d.* to 6*d.*	6*d.* to 8*d.*	8*d.*	6*d.* to 8*d.*	8*d.*	8*d.*	8*d.*	6*d.* to 8*d.*	7*d.* to 8*d.*	6*d.*

The above are the *retail prices*. Wholesale prices about one-third less.

RETURN showing the PRICES paid for FISH in the Market and Town of NEWCASTLE-UPON-TYNE, on the 1st of March in each of the 10 years from 1856 to 1865 inclusive.
Collected and Compiled by the Keeper of the Market, appointed by the Corporation.

Names of Fish.	1856.	1857.	1858.	1859.	1860.	1861.	1862.	1863.	1864.	1865.
Turbot, - per stone	2/ to 2/6	2/3 to 2/9	2/3 to 2/9	2/6 to 3/	2/6 to 3/3	2/9 to 3/6	3/ to 4/	3/6 to 4/6	4/ to 5/6	4/6 to 6/6
Soles - per pair	9*d.* to 1/3	1/ to 1/6	1/ to 1/6	1/3 to 1/9	1/3 to 1/9	1/3 to 1/9	1/6 to 2/	1/6 to 2/	1/9 to 2/	1/9 to 2/
Cod - each	9*d.* to 1/3	1/ to 1/6	1/3 to 1/9	1/6 to 2/	1/9 to 2/	2/ to 2/3	2/ to 2/6	2/3 to 2/9	2/3 to 3/	2/6 to 3/
Codlings - „	3*d.* to 9*d.*	3*d.* to 9*d.*	4*d.* to 1/	4*d.* to 1/	4*d.* to 1/	4*d.* to 1/	4*d.* to 1/	6*d.* to 1/	6*d.* to 1/3	6*d.* to 1/3
Haddock - „	3*d.* to 6*d.*	3*d.* to 6*d.*	4*d.* to 6*d.*	4*d.* to 6*d.*	4*d.* to 8*d.*	4*d.* to 8*d.*	5*d.* to 8*d.*	5*d.* to 8*d.*	5*d.* to 9*d.*	6*d.* to 9*d.*
Skate - „	6*d.* to 9*d.*	9*d.* to 1/	9*d.* to 1/	1/ to 1/6	1/3 to 1/9	1/6 to 2/	1/6 to 2/3	2/ to 2/6	2/3 to 3/	2/6 to 3/
Whiting - per stone	9*d.* to 1/	9*d.* to 1/	9*d.* to 1/	9*d.* to 1/	10*d.* to 1/2	10*d.* to 1/2	1/ to 1/3	1/ to 1/3	1/3 to 1/6	1/3 to 1/6
Lobsters - „	15/ to 20/	15/ to 20/	15/ to 20/	15/ to 22/	15/ to 22/	15/ to 22/	16/ to 24/	16/ to 24/	18/ to 25/	18/ to 25/

From these returns it appears that, at Manchester, during the last ten years, the price of fish has undergone very little change. Plaice has not, at any part of that period, been lower than during the last two years, and, on the whole, there seems to have been no marked alteration of price.

The case has been very different at Newcastle-on-Tyne. Every kind of fish there, with the exception of lobsters and crabs, has doubled in price in the course of the last ten years. The reason is obvious. The dwellers on the sea coast have now no longer a monopoly of the supply of the fish caught on their shores. They must share it with the great towns of the interior, to which railway facilities are every year affording readier and cheaper access, and with which the telegraph places the fish-dealers in instant communication. The inhabitants of Newcastle, while deploring the yearly increasing cost of their fish, have this consolation, that the highest price they have ever yet been called on to pay is considerably lower than the lowest price in Manchester during any part of the period under review.

A very important element of the question concerning the supply of a nutritious article of food is the price of the finest kinds of fish when compared with that of the more common descriptions which, from their abundance and moderate price, are naturally extensively consumed among the less wealthy classes of the people. The largest proportion of this description of fish consists of herrings and sprats. The statistics of the Scotch herring fishery already referred to, prove satisfactorily that, taking periods of five years, there is a steadily progressive increase of supply. The sprat fishery is of greatly less importance, and fluctuates considerably, but shows no sign of over-fishing, or permanent decrease.

The following figures show the price of fresh and cured herrings on the east and west coasts of Scotland during the last five years :

	LEITH.		GREENOCK.	
	Fresh per Cran.	Cured per Barrel.	Fresh per Cran.	Cured per Barrel.
1860 - -	22*s.* to 28*s.*	22*s.* to 28*s.*	30*s.* to 100*s.*	25*s.* to 50*s.*
1861 - -	23*s.* „ 35*s.*	30*s.* „ 32*s.*	35*s.* „ 120*s.*	27*s.* „ 47*s.*
1862 - -	25*s.* „ 30*s.*	24*s.* „ 26*s.*	15*s.* „ 100*s.*	21*s.* „ 40*s.*
1863 - -	20*s.* „ 30*s.*	25*s.* „ 30*s.*	35*s.* „ 90*s.*	36*s.* „ 50*s.*
1864 - -	16*s.* „ 30*s.*	28*s.* „ 34*s.*	30*s.* „ 100*s.*	26*s.* „ 40*s.*

These prices may be assumed to represent the average annual fluctuation and rate of price in the United Kingdom. The weight of herrings annually caught is probably

greater than that of all other sea fish together, and we thus come to the conclusion, that the supply of this immensely abundant and nutritious food, as tested by price, keeps fairly equal to the demand.

On the east coast of England, and in the London fish market, the trade divide the fish into two classes, " prime " and " offal." The " prime " comprise sole, turbot, brill, and cod. The " offal " are chiefly haddock, plaice, and whiting. The term " offal " seems to have been introduced at a time when the demand for fish, and the means of conveying it to market, were much more limited than at present; and when it was, therefore, often found necessary to throw overboard much of the less valuable description, which could not bear the cost of transport. The use of the word " offal " is continued to the present day, but
16,091. it may now be held to signify the more plentiful and lower priced class of fish which finds it way in greatest abundance to the large towns. There has been little increase in the price of plaice, but haddocks, which, in former times, were often thrown overboard when the take was great, are now used in two ways, either fresh or smoked, and for the latter purpose have been in great demand at an increased price. One of the largest salesmen in Billingsgate says on this point:—

> We could not get our fish to market with the same facility that we do now. Then it was not unusual to throw, on an average, one half the produce of the voyage away before we came home.
> 12,661. What proportion do you throw away now?—We don't throw away a fish's eye now.
> 12,662. Are none thrown away at all?—No. Some of our baskets may only fetch 8*s.*, whilst others will fetch 3*l.* or 4*l.* We have food for the poor and food for the rich.

The proportion of prime and offal fish caught by the trawl varies considerably, but may be taken, on the average, at one-fourth of the prime to three-fourths of the offal. Of
12,746. " prime" fish sole seems to be the general favourite. It is held in highest estimation by the greatest number of persons, and is more eaten in London than any other kind of prime fish; and during the summer a considerable supply is sent daily from the London fish market to Paris.

Appendix No. 40. The wholesale price realized for the two descriptions of fish by the fishermen is shown in the returns for five years, given by Mr. Knott. His average price per ton was about 7*l.*; but the price of the "prime" averaged 23*l.*, while that of the offal was only 2*l.* It may indeed be said, broadly, that the main supply of the cheaper description of fish, which forms so valuable an article of food to the large masses of our population, is yielded by modes of fishing other than line-fishing, and that any attempt to restrict the industry of fishermen to that mode of capture would be certainly followed by an immediate diminution in quantity and increase in price of the coarser kinds of fish, and by a nearly total cessation of the supply of soles.

On the whole, there has certainly been a gradual increase in the price of fish; but the return already quoted from Manchester shows that, in the inland towns, the price during ten years has not greatly nor suddenly increased. If we compare it with the yearly increasing scarcity of butcher's meat, it would seem that the supply of fish keeps better up to the demand. Nor will this be matter of surprise when some consideration is bestowed on the subject. The endeavour to increase the supply of meat is attended at every step with increasing cost. More labour must be bestowed, higher rents, rates, and wages, must all be paid, before a limited surface of land can be made to add to its productiveness. But the fisherman has neither rent nor rates to pay for the rich field which he cultivates, and he can man and work a larger fishing vessel and a greater sweep of fishing gear, at a smaller cost in relation to the produce.

In 1833 the House of Commons appointed a Committee to inquire into the state of the Sea Fisheries. The Committee reported that the fisheries in the British Channel had been in a declining state since the peace of 1815, that capital employed in them yielded no profit, that the numbers of boats and men were decreasing, and that the fishermen and their families were, in a greater or less degree, dependent on the poor rates for support. The statistics already given show that the fisheries are now in a very different condition. The capital employed yields a satisfactory return. The boats are every year increasing, both in numbers and size, and, instead of being dependent on the poor rate for their support, we do not think that any class of our labouring population are now in more comfortable circumstances than the British fishermen. Their numbers, as shewn by the census reports, have nearly doubled within the last 20 years, a progressive ratio of increase indicating a degree of prosperity probably not exceeded by any other class of our population.

Two exceptions, however, to the general prosperity of fishermen thus indicated must be noticed.

1. The oyster fisheries in the bays and shallow waters along the coast have everywhere been represented to us as in a state of great depression, owing to the scarcity of oysters. In many places, the oysters have within the last three years almost entirely disappeared. The valuable oyster fisheries off Jersey, which between the years 1855 and 1860 gave an annual return of from 30,000*l.* to 40,000*l.*, have, during the last three years produced from 3,000*l.* to 4,000*l.* a year only. In the estuary of the Thames the greatest scarcity prevails, and the price of the native oyster has more than trebled during the last four years. It has, however, been conclusively proved to us that this scarcity is due to a succession of bad breeding seasons for the oysters, for which no well-ascertained cause can be assigned. In the estuary of the Thames there has been no general good breed of oysters, either on public or private beds, since the year 1858.

2. The other exception which must be made is of a more serious and permanent nature.

The evidence and statistics of the Irish Sea fisheries which have been laid before us represent a very great falling off in the number of boats and men employed along the coast. The following return, provided by the Irish Fishery Commissioners and corrected by their last report, gives a comparative statement of the numbers of men and boats.

——	Number of Vessels of all classes.	Number of Men and Boys employed.
1830.—Fisheries under stimulus of bounties or loan funds.	13,119	64,771
1836.—Fisheries under depression, caused by withdrawal of bounties.	10,761	54,119
1845.—Fisheries immediately before the famine.	19,883	93,073
1848.—Fisheries after the famine - -	15,932	70,011
1865 - - - - - -	9,300	40,946

The return shows a diminution, within the last 20 years, of 10,583 boats and 52,127 men.

The numbers given for the last year, however, reduced as they are, appear to be very large as compared with the produce of the fisheries indicated by the railway returns and the supplies in the principal markets. But it has been explained to us that a very small portion of the 40,000 men and boys included in the return are fishermen in the true sense of the term. A further return classifies the boats and men as follows:

——	Vessels.	Men.	Boys.
First-class vessels, which include all of the tonnage of fifteen tons and upwards - - -	978	4,559	475
Second-class, under fifteen tons - - -	8,322	32,857	3,055
Making a total of - - - - -	9,300	37,416	3,530

Of the boats under 15 tons, the vast majority belong to small farmers along the coast who, though reckoned in the return, are only occasionally engaged in fishing, and do not send away regular supplies of fish to the market. What they take is hawked about the country in their immediate neighbourhood.

Sir James Dombrain, who was for many years Inspector-General of the Coastguard and is, therefore, well acquainted with the state of the fishermen, gave us the following evidence:—

37,344. From your knowledge of the fishing population, what proportion of the so-called fishing population are real fishermen, who live by fishing?—Very few indeed. At the same time, at places such as Waterford, Dungarvan, and Kinsale, there are people who live entirely by fishing, but almost all the rest are fishermen and farmers, and, probably, at the very time they would have more chance of success than at another they are mostly attending to their farms.

The great decline in number of the fishermen we believe to be wholly due to the effects of the famine of 1848, and the subsequent emigration. It might have been anticipated that during the famine the fishermen at least would be secure from its ill effects, and would not only have plenty of food themselves, but would be the means of averting starvation from others. But such was not the case; it was found that the people would not live wholly on fish, nor would they out of the small means remaining to them buy fish in preference to meal or potatoes; the fishermen, therefore, suffered not only from the loss of their own crops of potatoes, but from want of market for their fish. They shared to the full extent in the sufferings of the famine, and as most of them became physically incapable of going to sea, it was frequently found that men were starving while fish were in abundance on the coast. In many parts of Ireland the fishing population has not yet recovered from the depression and ruin caused by the famine; and the subsequent emigration, by taking off the youngest and ablest of the fishermen, and leaving behind the old, the feeble, and the incompetent, has still further operated, not only in reducing the numbers, but in lowering the average condition, of those who remain behind.

Though we regret to be obliged to report that in many parts of Ireland the appearance of the fishermen and of their boats and gear indicated great depression and want of prosperity of the trade, due to causes we have thus mentioned, we rejoice that in others there are not wanting signs of improvement, and of greater enterprise and activity. The herring fishery of Howth, as already mentioned, has, within the last six or seven years, grown into a very important fishery, and a considerable number of Irish boats have been fitted out for it and have done as well as the Cornish and Scotch boats that join in the fishery. The trawlers from Dublin have now for some years been doing well, and have brought in a large supply of the better class of fish to the markets. At Dingle, also, trawling has been introduced with success, and the fishermen are doing well. At Arklow the oyster banks have been extensively worked within the last few years.

Of Galway we shall speak at greater length hereafter.

The general supply of fish from the Irish coast must necessarily have considerably fallen off, owing to the great reduction of men and boats engaged in fishing. But if double the number of men made a living by fishing, wholly or in part, twenty years ago, it is not to be supposed that over fishing within the last few years can have contributed to this result. We cannot doubt that, with greater enterprise, skill, and the application of capital, a greatly increased supply of fish might be produced from the seas round Ireland. Whether, however, the "mine of wealth" which has so often been referred to by witnesses before us, as existing in an undeveloped state, off the west and south coasts, is a reality or a myth, can be decided only by experience. Looking to the nature of the coast; the frequent severity of the weather; the great depth of water; and the total want of shelter outside a few bays and inlets; and the opposition of the local fishermen to the introduction of improved methods of fishing, we are inclined to think that such anticipations are not likely soon to be realized.

The great importance of fish as an article of food may be clearly shown by a comparison of the total supply of fish and beef to London in the course of a single year. Neither in the case of fish, nor of beef, is it possible to give accurate statistics. But it has been roughly estimated that London consumes 300,000 fat cattle annually, which, at an average weight of six cwt. each, would amount to 90,000 tons of beef. At this moment there are between 800 and 900 trawl vessels engaged in supplying the London market with fish, and assuming the average annual take for each to be 90 tons, this would give a total of some 80,000 tons of trawled fish. This is irrespective of the vast quantities of herrings, sprats, shell-fish, and of other descriptions of fish which are supplied by other modes of fishing. The weight of beef and of fish annually consumed in London is thus in no great disproportion. But the price is very different. The fisherman receives, on an average, little over 7*l.* a ton for his fish, prime and offal together,—the farmer is readily paid for his beef, not less than 60*l.* a ton.

But this disparity of price becomes the more remarkable when tested by the practical experience not of the producer but of the consumer. The buyer of fish in the West End of London finds that, on the average, his fish costs him more per pound weight than his beef or mutton. And when inquiry is made, the salesmen at Billingsgate readily admit that the retail dealer gets an enormous profit on the small quantity of fish he disposes of. It might be thought that the competition of trade would rectify any

demand for excessive profit, but, in this case, it does not seem to have that effect. While the fishermen receive 3*d.* to 4*d.* a pound at Billingsgate for prime fish, the buyer is charged 1*s.*, 1*s* 3*d.*, and 1*s.* 6*d.* a pound by the retailer.

Some check might probably be put upon this extravagant rate of profit by a daily return inserted in the newspapers, and signed by the clerk of the market, of the wholesale prices of the various kinds of fish sold in Billingsgate.

The evidence we have taken, coupled with the increasing scarcity and high price of butchers' meat, leaves no doubt in our minds that a great field for profitable enterprise is open for the application of increased capital and skill to the sea fisheries of the United Kingdom. Within the last two years, a single London company have increased their fishing fleet by ten sailing and two steam vessels, and are now building two more steamers. The same course is being followed by others, and though, by such means, the supply of fish to Billingsgate is constantly increasing, it fails to keep pace with the demand. The well-known fishing grounds in the North Sea are, even yet, only partially fished. The Dogger Bank, which has an area of several hundred square miles, and is most prolific of fish, is to a great extent unworked by the trawlers, and new grounds are still being discovered where fish are found in great abundance. Between England and the Continent the average depth of the German Ocean is 90 feet. One-fifth of it is occupied by banks which are always being added to by the muddy deposits of the rivers of both countries. In extent they are equal to the superficial area of Ireland. To these banks the animals of the ocean chiefly resort, and this great and prolific field is free to the industry of all.

The produce of the sea around our coasts bears a far higher proportion to that of the land than is generally imagined. The most frequented fishing grounds are much more prolific of food than the same extent of the richest land. Once in the year an acre of good land, carefully tilled, produces a ton of corn, or two or three cwt. of meat or cheese. The same area at the bottom of the sea on the best fishing grounds yields a greater weight of food to the persevering fishermen every week in the year. Five vessels belonging to the same owner, in a single night's fishing, brought in 17 tons weight of fish, 13,242.
an amount of wholesome food equal in weight to that of 50 cattle or 300 sheep. The ground which these vessels covered during the night's fishing could not have exceeded an area of 50 acres.

When we consider the amount of care that has been bestowed on the improvement of agriculture, the national societies which are established for promoting it, and the scientific knowledge and engineering skill which have been enlisted in its aid, it seems strange that the sea fisheries have hitherto attracted so little of the public attention. There are few means of enterprise that present better chances of profit than our sea fisheries, and no object of greater utility could be named than the development of enterprise, skill, and mechanical ingenuity which might be elicited by the periodical exhibitions and publications of an influential society specially devoted to the British fisheries.

The second question submitted to us is:

> Whether any of the Methods of catching Fish in use in the Sea Fisheries involves a wasteful Destruction of Fish or Spawn; and, if so, whether it is probable that any Legislative Restriction upon such Methods of Fishing would result in an Increase of the Supply of Fish?

Of the many methods of taking Sea Fish described in the Appendix (No. 1), very few have escaped complaint from one source or another; and our Minutes of Evidence would have been far less voluminous had we not considered it our duty to encourage the complainants to state their views fully, and to sift out, by careful and varied questioning, the amount of truth contained in their multitudinous allegations.

As these complaints have usually been brought against one class of fishermen by others, who, rightly or wrongly, conceived themselves to be unjustly injured in their most important interests; and as they have been rebutted by persons whose means of living largely, or wholly, depend upon their power to continue the alleged wrongful practices, it will not be a matter of astonishment that the evidence, so far as it records merely personal convictions, and assertions that can be neither proved nor disproved, is of the most conflicting character. In making this remark we have no wish to reflect in the slightest degree upon the veracity of either side. On the contrary, we desire particularly to acknowledge the frankness with which the fishermen, generally, gave their evidence and the intelligent manner in which they stated their views. But fishermen, as a

class, are exceedingly unobservant of anything about fish which is not absolutely forced upon them by their daily avocations; and they are, consequently, not only prone to adopt every belief, however ill-founded, which seems to tell in their own favour, but they are disposed to depreciate the present in comparison with the past. Nor, in certain localities, do they lack the additional temptation to make the worst of the present, offered by the hope that strong statements may lead the State to interfere, in their favour, with dangerous competitors.

Leaving out of consideration the comparatively few cases in which private rights of Sea Fishery exist, it may be laid down as a broad principle, that (apart from the restrictions prescribed by international law, or by special treaties) the produce of the Sea is the property of the people in common; and that methods of fishing are fitting subjects for legislation, only so far as such legislation can be shown to be necessary to secure the greatest possible advantage to the whole nation from the Sea Fisheries; either by suppressing wasteful and uselessly destructive modes of fishing; or by removing legislative obstacles in the way of improved modes of fishing; or by preserving peace and order among fishermen.

Keeping these principles in view, all the tenable complaints against methods of fishing which have been brought before us may be classified under two heads:

I.—Complaints that a given mode of fishing is wasteful and tends to diminish the supply of fish permanently.

II.—Complaints that a given mode of fishing interferes with the lawful occupations of fishermen of another class, or of other persons.

In discussing the first series of complaints three distinct issues will have to be considered:—

a. Does the alleged waste take place, and to what extent?
b. Can the waste which occurs be shown to have affected the supply of fish?
c. If waste have occurred to a sufficient extent to affect the supply of fish, how far is it desirable to interfere by direct legislation, and how far is it better to trust to natural checks?

And as regards the second series we shall find it necessary to inquire:—
a. Does the alleged interference occur, and to what extent?
b. If the interference occurs, does the public interest require the intervention of the State?

I.—*Complaints that a given mode of fishing is wasteful and tends to diminish the Supply of Fish permanently.*

The chief methods of fishery against which complaints of this kind have been brought are,—

1. Beam-trawling in the open sea.
2. All kinds of sweep-net fishing (beam-trawling, shrimping, seining, circle-net fishing) and fishing with small-meshed nets and weirs in bays and estuaries.

1. *Complaints against Beam-Trawling in the open Sea.*—Whether we regard the number of the men employed, the capital invested in vessels and gear, or the produce offered to the consumer, beam-trawling in the open sea is one of the most important of the Sea Fisheries. At the present time 200 sail of trawlers leave the Thames; 150, Great Yarmouth; 300, the Humber, Scarborough, and Lowestoft, for the fishing banks in the North Sea. More than 50 sail proceed from Ramsgate to fish, for a portion of the year, off their own shores and, for a portion of the year, in the North Sea. From Brixham about 80 sail, and from Plymouth more than 60, trawl in the Channel. From Liverpool, over 50 trawlers; from Fleetwood, more than 20; and, from Dublin, between 40 and 50 work over the sea between the coasts of England and Ireland. Leaving out of consideration the minor ports, then, and taking account only of the Thames, Yarmouth, the Humber, Ramsgate, Brixham, Plymouth, Liverpool, Fleetwood, and Dublin, not fewer than 955 sail of trawlers, of between 40 and 60 tons, are employed in the North Sea, the Channel, and St. George's Channel. These vessels are manned by at least 5,000 souls; they represent a capital of at the very lowest estimate 1,000,000*l.* and they supply the market daily with probably not less than 300 tons of fish, valued at from 1,500*l.* to

2,000*l.* So extensive, indeed, is the trawl business that it is worth the while of a single fish salesman and trawl owner to pay between 2,000*l.* and 3,000*l.* a year for ice, in which to preserve his fish.

But the importance of trawling as a source of supply to the London market will be best estimated by the evidence given at Billingsgate by large fish dealers and merchants. The following queries were put to Mr. James T. Morgan, who began life as a fisherman, has been largely engaged as a fish salesman in the London market for the last 24 years, and is now the owner of 35 trawlers:— 12,787.

12,637. In what proportion is the London market supplied with haddocks caught by the trawl and caught by the hook?—I should say 99 to one. Where there is one haddock that comes to the market from the hook there are more than 99 brought by the trawlers.

12,638. Supposing that it might be considered a proper thing to put an end to trawl-fishing altogether, what would be the consequence with regard to the supply of fish to the London market?—There would scarcely be any at all. There would be no flat-fish whatever. I have had 26 years' experience now, and never more than one turbot came to me that had been caught by the hook, and that was last winter.

12,639. Then there would be an end of turbot altogether?—Yes.

12,640. How would it be with regard to soles?—There would be none whatever. They could not catch any with the hook.

12,641. What other fish would the London market also be deprived of if trawling were put an end to?—There would be no turbot, brill, plaice, and various other kinds of fish that might be mentioned.

12,642. What proportion of the whole supply that comes to the London market would you be deprived of by putting an end to trawling?—I myself have brought 100 tons per week on the average. For the last four or five years I have averaged 350 baskets a day, which will be about 100 tons a week, and Mr. Hewett has about 200 tons.

12,643 Are you speaking of trawled fish?—Yes. If it were not for the trawlers I should have none at all.

12,644. What supply would you have had without them?—I should only have had codfish.

12,645. What weight of codfish?—From 10 to 12 tons.

12,862. You are aware that a great question has arisen between trawl-fishing and line-fishing; will you be so good as to tell us what proportion of the whole supply to the London market is got by the trawl fishermen as compared with the line fishermen?—I should think that the line fishermen do not bring 10 per cent. of the fish that come to this market. They do not bring much over 5 per cent. They may bring 7½, but of the whole quantity that comes to this market they certainly do not bring 10 per cent.

12,863. Any regulation that would materially interfere with trawl-fishing would lead to a diminution in the supply, and I suppose to an increase in the price?—Precisely.

12,864. That would be so?—Yes; if trawling were done away with to-morrow you would not have one-tenth part of the fish in the London market that you have now; nor would it come to land at all in England.

12,865. Do you find that practically you can man and keep a trawl-vessel going at a less expense than a line-fishing vessel of the same size?—One costs only 11*l.* a week and the other 16*l.* A regular line-fishing boat with a full number of hands costs 16*l.* a week.

12,866. You are speaking of boats of the same size?—Yes, from 80 up to 100 tons builder's measurement.

12,867. What is the average weight of fish caught by these boats comparatively in a week?—One catches 10 times the weight of the other. The trawler will catch 10 times the quantity caught by the line-boat.

12,868. In the same time?—Yes, give them day for day, or year for year, take the 12 months round, a trawl-vessel will catch 10 times the weight of fish that a line-boat will catch.

12,869. And they catch the kind of fish that is brought in the greatest bulk to the London market and consumed chiefly by the lower classes?—Yes.

12,870. What is the reason that you employ a vessel which costs you about 50 per cent. more per week in wages and otherwise, and yet yields you so much less fish in quantity?—There is so little of that sort of fish brought to the market—only a tenth part as compared with the other fish—that it is a scarce article. It is brought in very small quantities to the market by railway, and it is all sold as West End fish. If the number of the vessels employed in obtaining it were increased the high price it now brings would last no longer.

12,871. Then it only pays because it is a fish that brings an excessive price from the wealthy classes?—Exactly.

Mr. Marchant, 42 years a salesman in Billingsgate, and now the owner of five trawlers, told us:

12,421. Are we to understand that 40 to 50 vessels 40 years ago furnished the only supply to the London market?—They did.

12,422. And now taking not only the number of vessels that hail from London, but all others engaged in supplying London, how many are there?—The best part of 1,000 sail. There will be 800 at least. In a rough way I should say between 800 and 900.

12,423. Are we to understand from you that each of these 800 or 900 on an average catches twice as many fish as vessels of the same size did 40 or 50 years ago?—Upon an average treble.

It is obviously necessary to deal very carefully with a business of so much importance to the consumer, as well as to the producer; we shall therefore proceed to consider, at some length, the complaints brought against the trawlers, and the value of the evidence by which those complaints are supported.

Trawling is alleged to be a wasteful and destructive mode of fishing:

1. Because the whole, or the majority, of the fish brought up in the trawl are dead, and so much damaged as to be unwholesome or otherwise unfit for human food.

2. Because the beam and net, dragging along the sea bottom, tear up, or destroy, the spawn of fish.

3. Because the net brings up a vast quantity of the fry of fish, or of fish so small as to be unsaleable, which is all thrown back dead into the water.

4. Because, in consequence of the latter effects of trawling, all the grounds over which the trawlers work are becoming rapidly exhausted; so that, not only are line fishermen unable to obtain any fish there, but the trawlers themselves are obliged to seek other localities, and are in fact rapidly becoming ruined.

1. The assertion that trawled fish is always, or commonly, brought up not only dead, but so much damaged as to be unwholesome and unfit for human food, has been made and strongly persisted in by several witnesses; but we feel bound to express our conviction that the statement is incorrect and, indeed, absurd.

That such is the case is sufficiently proved, not only by the direct evidence that has been brought forward, but by very simple considerations. It will hardly be maintained that the soles and turbots which are so largely consumed in London, and for which so good a price is paid, are damaged and unwholesome fish, and yet the evidence of the fish merchants and salesmen of Billingsgate, just now quoted, distinctly proves that these fish are supplied by the trawl. Still less is it consistent with probability that a million of money should have been invested in a business which supplies the public only with a damaged and unwholesome article.

The fact is, that, in fine weather, and when the trawl net is not down too long, the whole, or by far the greater proportion, of the fish taken come up alive and perfectly uninjured. In bad weather, on the other hand, when several hours of hard toil may be spent in getting the trawl on board, and its contents are exposed to much washing about by the sea; or when the trawl becomes too full from the great abundance of fish; or when it takes in stones, or other rubbish, a certain proportion of the fish may be injured and rendered unsaleable.

No evidence has been brought before us sufficient to prove that the amount of waste thus accruing is appreciably greater than that which is incidental to other modes of fishing from similar, or different, causes.

2. The statement that the beam and the net of the trawl dragging along the ground, tear up and destroy the spawn of fish has not been justified by the evidence adduced. Many of the unhesitating assertions which have been made before us on this head, in fact, are only intelligible upon the supposition that the witnesses were ignorant of the real mode of working of the trawl-net, and of the true nature of many of the substances brought up by it.

3641, 3830.

Those, for example, who have enlarged upon the crushing of the spawn by the beam and head irons, would seem to have forgotten, in the first place, that a large portion of the weight of these parts of the trawl is taken away by its immersion in water; secondly, that the head irons are contrived for the express purpose of keeping the beam off the bottom; and, thirdly, that it is the interest of the trawler to give the trawl as little hold of the bottom as is consistent with its keeping there; that his object is, in fact, to sweep and not to dredge, the bottom of the sea.

We have sought in vain for proof that the trawl brings up and destroys the spawn of fish. The fact has been absolutely denied by the most intelligent and experienced trawlers; and careful questioning of the witnesses who have professed to be cognizant of it has, in all cases, shown either that they spoke from hearsay, or that by "spawn" they meant the fry of fish; or, most usually, that, as is very common with sailors, they called eggs of squids, jelly fishes, zoophytes, ascidians, and in fact all sorts of soft and gelatinous looking inhabitants of the sea, which have nothing to do with fish, by the general name of "spawn." We therefore consider the second allegation, like the first, to be without foundation.

In connexion with this subject we may remark that very little is positively known respecting the spawning places of any kind of fish. It appears to be clearly made out by the experiments conducted under Professor Allman's supervision that herrings spawn, at any rate in some seasons, in the so-called "Traith" or "Fluke" holes off Pittenweem; and we have every reason to believe that for many years they spawned regularly on the Banks of Ballantrae. But we have been unable to find trustworthy evidence as to the precise localities in which they spawn elsewhere, although the practice of grounding the nets at certain times on many parts of the east coast of Scotland may be taken as presumptive evidence that the fish are then spawning on those grounds; nor have we succeeded in discovering that the spawning ground of any other description of fish is ascertained, with certainty, on any part of our coasts.

3. It would appear that a certain quantity of small and inferior fish is very generally brought up in the trawl-net; the proportion of such fish to the whole take varying, within very wide limits, according to the season of the year and the depth of the water in which the trawling takes place. In shallow water, especially in the summer time, the proportion would appear to be greater than it is in deep water. The greatest opponents of trawling do not assert that more than half the fish is thus small and inferior; its supporters usually admit a proportion of from one twentieth to one third in weight of the whole.

With respect to what becomes of this small and inferior fish it would appear, that, according to circumstances, it may be thrown overboard or sold to the poorer classes.

It is important to note, that the small fish thus taken are of the same kind as those of larger dimensions upon the catch of which the profits of the trawlers depend; so that they themselves should be the first to feel any injury to the supply of fish which might result from the kind of waste now considered. On the other hand, it has never been alleged that ling, cod and conger, in which the line fishermen are so largely interested, or mackerel, pilchards, or herrings, upon which seine and drift fishermen depend, are caught by the trawl in an immature and uneatable condition.

Whiting, and haddocks, of small size, though marketable, are taken by the trawl; but fish of similar dimensions are also captured by the liners, against whom, indeed, the charge of taking immature cod has been especially brought. 16,460 to 16,544.

4. What weight is to be attached to the allegation that the trawlers permanently exhaust the grounds over which they work; and that, consequently, they not only ruin the line-fishermen who fish in their neighbourhood, but are necessitated to seek new localities if they would not be ruined themselves, may be best understood by attention to a brief abstract of the history of the rise and progress of trawling, in the seas which wash the three shores of England, commencing with the Channel.

The Plymouth trawlers work now, as they have always done, over an area of the sea bottom about 21 miles long by 9 miles broad, all the year round. Forty years ago about 30 vessels were occupied in this way. At the present time, there are 64 vessels trawling over the same area, and the tonnage of each of these is double that of the smacks formerly employed. The tonnage, and consequently the capital invested, have therefore quadrupled in less than half a century; at the same time the take of fish is estimated, on an average, at half a ton *per diem* for each vessel. 18,705. 18,693. 18,698.

Off Brixham, trawling has been carried on for the last century, the greater proportion of the vessels fishing over a limited area. The smacks are nearly one half larger than they were formerly, and 50 per cent. more numerous. At the present time the estimated value of the vessels insured in the Fishing Club is 72,000*l*., the value and the tonnage of the smack having greatly increased within the last seven years. The mortgages on these vessels do not exceed 5,000*l*. The President of the Fishing Club replied to questions 9393-9397 as follows:— 6168. 8078, 9336. 8038.

9393. Then from your knowledge of the affairs of the fishermen you can give an absolute negative to the statement that the trade has been falling off, and that in consequence your fishermen have been obliged to go north ?—Yes, certainly.

9324-5. I have a reason for putting the question in that way ?—I can certainly contradict it. If they were to fish here for the same number of hours as they do in the north, I think it would pay them much better than to go there. They get more money in the north, but they have to go out on the Monday morning and remain at sea all the week, coming in on the Saturday morning. If they did that here, I am satisfied that they would earn more than on the north coast.

9396. For what reason do they go north ?—They go north because they fancy they can get more money. They do in the gross get more money, but their expenses are heavier. Here, instead of continuing to fish during the whole week, the vessels come in almost every night. There, when the vessels leave the port, they are sometimes bound to remain out at sea for a fortnight or three weeks, and they remain fishing the whole of that time. Here, they go out on the Monday morning, and they come in again on the Monday evening; they go out again on the Tuesday morning, and come in again on the Tuesday evening.

9397. From your knowledge of the business of the fishermen, is it your belief that the quantity of trawled fish caught here by the trawlers has increased or diminished ?—I don't think it has diminished.

Furthermore, it appears from the evidence of Mr. Webber, magistrate's clerk, of Brixham, that the money thus invested has really come out of the fishing:

9241. In walking round the town this morning we observed that a considerable new pier has been built ?—Yes.

9242. How was the expense of that defrayed ?—The construction of the pier was sanctioned by an Act of Parliament passed in the first year of Her present Majesty, and a schedule of tolls was annexed to the Act by which the expense was provided for.

9243. But who supplied the capital in the first instance ?—The inhabitants themselves; some of them put in 500*l*., others 200*l*., and so on.

9244. Were they all Brixham men ?—Yes.

9245. Then, the money came out of Brixham ?—Yes, and is still coming out of Brixham as the work progresses.

9246. Where does the money of Brixham come from?—As far as my recollection goes, I think the Tyrers, the Weightons, the Terrys, and the Blakes and all those men were originally fishermen. I believe they all had vessels. Mr. Bartlett's grandfather had three or four trawlers.

9247. Were they all trawl fishermen?—Yes; I believe they have made all that has placed them in their present prosperous circumstances from trawling. They have now some of the finest vessels sailing in the Bristol Channel.

9248. Is there any branch of trade or manufactures carried on here?—No; the only staple business in addition to fishing is mining; there is a little iron ore here.

9249. Is there a considerable quantity of iron ore obtained here?—We have two mines now working, and I think I heard them say yesterday that they would be able to raise 2,000 tons a month if they had the appliances.

9250. Have they been able to work that for any time?—They have had mines here for 20 years. At one time they shipped enough to increase the tolls of the pier from 600*l.* to 950*l.* in a single year.

9251. Do you consider that the iron mines here have added considerably or appreciably to the wealth of the place during the last half century?—No; it was not known then. I think it has added to the prosperity of the town in a certain sense, by bringing a number of men who are earning good wages at mining.

9252. Still you would not consider it any way comparable, as a source of wealth to the town, to the fishing?—No, because we almost wholly depend upon that.

9253. I ask these questions because we have come recently from the north country, and strong assertions have been made to us that you Brixham people have been gradually ruining yourselves for years past, and are now in a very bad way. I want to know whether that is the case, or whether you have been making money all the time?—I will just show you how it is. A man may perhaps have 150*l.* or 200*l.*, and he has a new vessel built. He can find people who are ready to put the remainder of the money into that, and thus assist him. Tradesmen are ready to put their goods on board, if he is an industrious man, and they will give him credit for everything he requires. Now, that shows that the investment is a paying one, or it would not be so readily taken up.

9253. I suppose the security the fishermen give is a mortgage on the vessel?—Yes.

9254. I don't want to look inquisitorially into the matter, but only to ascertain the facts which are of importance to our inquiry. If I went to the Custom House here, should I find that a great number of the smacks are mortgaged?—Yes, for this reason, directly they get an additional 100*l.* saved they go and get another smack.

9255. But there is a great difference in the two things. If a man is ruining himself he mortgages that which was previously in his possession, but it is a legitimate sign of prosperity if a man sets up a vessel and obtains a mortgage upon it with the intention of paying it off. Are the mortgages here of the latter or former kind; are they mortgages made with the intention and almost certainty of paying them off in after years?—Yes, quite so; they are almost entirely upon new vessels.

9256. From your knowledge as clerk to the magistrates, who generally knows a good deal about people's affairs, you think that is the state of things?—Yes, I do.

9257. I ask this particularly because assertions have been broadly made to us that the contrary is the case, and that the persons engaged in trawling here are mortgaging their property in order to raise money. You think it is the other way?—Yes, in point of fact the tradesmen of Brixham know less of bankruptcies among themselves than almost any other town in the neighbourhood. The people here are pretty certain of getting their money whether they are hemp merchants, timber merchants, or hook manufacturers.

10,086, 10,100. From Ramsgate not more than three or four trawlers, of 28 or 30 tons, worked fifty years ago. There are at present 50 sail, averaging from 45 to 55 tons, the property of the fishermen themselves.

10,271, 10,481, 10,482. 12,405. 12,419. 12,615–6. 12,999. 12,897, 12,901. 12,246. 12,860. 11,083. 11,882–6. 11,091. 11,903. In the year 1822 there were fewer than 50 sail of trawling vessels from the port of London. There are now 200 sailing from the Thames alone. Twenty-six of these, owned by Mr. James Thomas Morgan, yield him an average supply of 100 tons of fish a week. Messrs. Hewett & Co. employ between 50 and 60 vessels of 80 to 100 tons, manned by nearly 500 seamen and apprentices. They have been in business for the last 20 years and find the supply of fish increasing. "Each separate vessel catches "more fish than it did 10 years ago, and 10 years ago it caught more than 20 years "ago."

Trawl-fishing has been carried on at Great Yarmouth for only about 20 years. Seventeen or eighteen years ago there were only four or five trawl vessels belonging to the town, now there are 140, of greater tonnage than formerly (the principal part of them being from 50 to 60 tons) and manned by Yarmouth men.

With respect to their supply of fish the following document was put in as evidence:—

November 1863.

We, the undersigned, being masters of trawling vessels sailing out of Yarmouth, the youngest of us having followed trawling for 14 years, do state that in our experience we have not known so much fish as there is at this season. Within the last six weeks, while fishing on the Dogger Bank, we have frequently seen from 40 to 60 packages, weighing between two and three tons, taken by a single vessel for a three hours' haul, the most of them being very fine haddocks.

(Signed) William Brown,
Master of the "Enterprise."
George Tidman,
Master of the "Majestic."
Charles Dossett × his mark,
Master of the "Choice Witness."
William Atherton,
Master of the "Unity."

Twenty years ago not more than two or three trawlers left the Humber. Eighteen years ago above 40 sail migrated there from Ramsgate and Brixham. At the present time 300 trawlers of double the former tonnage, representing a capital of at least 250,000*l.*, fish from the ports of Hull and Great Grimsby, and bring into those ports an abundant supply. 6,857, 16,071.

The following return was given us by Mr. Knott, trawl-owner, of Great Grimsby, as an account of the take of one vessel:

Years.	Weight of Fish.									Amount realized.								
	Prime.			Offal.			Total.			Prime.			Offal.			Total Amount.		
	Tons.	cwts.	qrs.	Tons.	cwts.	qrs.	Tons.	cwts.	qrs.	£	s.	d.	£	s.	d	£	s.	d.
1860 - -	18	19	2	66	4	3	85	4	1	320	7	9	114	0	6	434	8	3
1861 - -	13	1	3	69	16	2	82	18	1	392	11	6	177	16	5	570	7	11
1862 - -	12	19	1	52	14	2	65	13	3	360	4	8	105	13	1	465	17	9
1863 - -	18	4	0	74	9	2	92	13	2	455	0	0	145	0	0	600	0	0
1864 - -	22	18	2	94	7	3	117	6	1	443	6	0	189	7	6	632	13	6
	86	3	0	357	13	0	443	16	0	1,971	9	11	731	17	6	2,703	7	5

About 30 years ago there were only two large trawlers out of Scarborough, now there are 35. As a rule, the trawlers do not extend their operations 15 miles further east and west than they have ever done, and the ground shows no symptoms of exhaustion; on the contrary, the supply of fish has greatly increased. 60,781.

Between 70 and 80 sail of trawlers appear to have worked on the English side of St. George's Channel for the last 20 or 30 years. The tonnage of these vessels seems to have increased, but not their number. 60,772.

On the Irish side of St. George's Channel, the number of trawlers in Dublin, Kingstown, and Ringsend, has increased more than 50 per cent. during the last 30 years, and the capital invested in them has doubled, on account of their increased tonnage. Each trawler is, at present, stated to yield, on an average, three tons of fish per week. The whole area they have to work upon is about 150 miles long, north and south, and 40 or 50 east and west, but a large proportion of this sea bottom is rocky or muddy and unfit for trawling. 37,382, 37,383. 37,446.

It is hardly necessary to point out the bearing of the facts just detailed upon the question, whether trawling, so far as it has been at present carried out, has exhausted the supply of fish on the trawling grounds.

If, as in every locality mentioned except the Lancashire coast, the number and tonnage of the vessels employed, the number of the men engaged, and the capital invested in the trawling business have largely increased (and in some instances enormously increased), while theprice of fish to the consumer, in the market supplied by the trawlers, is not much greater than formerly, there can be no question that the supply of fish has not only not diminished, but must have increased in a certain proportion to the increased fishing. And that this increased supply has not been obtained by proceeding to new grounds after the old ones have been exhausted, is patent in the cases of Plymouth and Brixham, while all the evidence tends to the same effect, as respects the North Sea and St. George's Channel trawling.

The allegations that trawling in the open sea has exhausted any trawling grounds, and that trawlers have been obliged permanently to leave any trawling ground on account of such exhaustion, are therefore, in our opinion, devoid of foundation.

It is further specifically asserted that trawling destroys the brood of haddock, cod, and herrings, the Northumberland fishermen, particularly, maintaining that the falling off of their fishery is due to the influence of the trawlers, who work at some distance from their shores.

The complaints of these fishermen against the trawlers will be found, at great length, in the evidence taken at Cullercoats, Newbiggin, North Sunderland, and Holy Island. It is clear that, at all these fishing villages, there has, within the last 20 years, been a constant increase in the number of fishermen, the size of their boats, and the quantity of nets

and other gear; and, after making every allowance for the increased price of fish due to the railways having opened fresh markets, we think that these facts clearly point to an increased take of fish. Taking the various villages along the coast, there are probably about 130 boats employed in line fishing, each carrying three men and a boy, and during the herring fishery, which lasts for two or three months, a considerable number of landsmen are also employed, while the number of boats increased to 240. Fifty years ago there were at Cullercoats only 10 cobles, and at Newbiggin 8; now there are 38 and 27. The boats have greatly improved, the quantity of nets used in each has nearly doubled, and a greatly increased capital has been invested in the trade, the result of the savings of the fishermen. Besides this, the number of boats coming from the ports further south, and from France, to prosecute the herring fishery off this coast is vastly increased. It is only within the last seven years that trawlers have made their appearance; they come from Scarborough and Hartlepool in considerable numbers, and trawl over a range of smooth ground off Cullercoats and Newbiggin, about five or six miles in breadth, and separated from the shore by four to six miles of rough ground on which they cannot use their trawls. They do not go so far north as North Sunderland and Holy Island; but the fishermen of these places join with those further south in complaining against them and attributing to them a decrease of all classes of fish, but especially haddocks, on the ground that they disturb the spawning grounds of these and other fish. And it is to be observed
1932. that where the trawlers are not in the habit of working inshore, the complaint is that they destroy the spawn of haddock in deep water. The complaints against trawlers for carrying away lines and nets will be dealt with hereafter, as will also the charges of these fishermen against the French boats; but as to the complaints about destroying spawn we believe them to be entirely unfounded. The only fish of which there has been any, even temporary, falling off is, we believe, the haddock; and as it is certain that the same falling off was noticed for six or seven years, on other parts of the coast further north, far removed from the influence of trawling, it is reasonable to believe that it was owing to some other unascertained cause. With respect to other fish, the following returns supplied by the North-Eastern Railway, which since its opening has conveyed to market most of the fish caught off this coast (with the exception of Cullercoats, whence it is carted to Tynemouth and Shields) show a steady increase for six years out of the seven.

	1855.		1856.		1857.		1859.		1861.		1863.		1864.	
	Herrings.	Other Fish.	Herrings.	Other Fish.	Herrings.	Other Fish.	Herrings.	Other Fish.	Herrings.	Other Fish.	Herrings.	Other Fish.	Herrings.	Other Fish.
	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.
Chathill - -	902	42	247	155	576	168	1,099	222	1,173	241	1,568	236	1,388	236
Chirston Bank -	255	—	227	3	179	201	203	173	283	226	307	207	331	226
Long Houghton -	64	57	109	98	270	93	284	97	543	78	614	135	550	162
Bilton - -	9	166	27	86	84	101	47	77	44	66	50	65	77	60
Acklington - -	140	187	77	151	57	144	47	168	79	169	83	168	78	165
Longhirst - -	139	504	163	531	144	532	52	512	63	432	58	436	20	523
Tynemouth - -	306	68	121	40	168	20	85	4	259	25	151	41	31	67
Totals - -	2,629		2,032		2,737		3,070		3,681		4,127		3,914	

As the trawlers do not land their fish at any of these ports, but take them to ports further south, it is obvious that any supply which they afford to the public by fishing off this coast must be added to the above; and it is equally clear that they have not caused any diminution of trawled fish on the ground where they work, from the fact stated by the line fishermen, that the number of trawlers fishing off the coast is increasing year by year.

Again it is very difficult, not to say impossible, to reconcile the views of the Northumberland line-fishermen with the facts detailed in the evidence taken before us at Great Grimsby.

From this port there sail 70 trawlers, and 42 liners. The trawlers each take five hands, the liners nine or 10. But, as the following statement shows, each set of fishermen does well, though both fish close to one another:—

16,286. Do you fish on the same fishing ground that you used to frequent in former years?—Yes, I have been fishing on these grounds for the last 26 years.

16,287. Have you found as many fish this last summer as you used to find before?—There have been more fish this summer than I have ever known during the whole of the 26 years.

16,288. More than during the whole of your experience?—Yes.

16,289. On the same grounds?—Yes.

16,290. Are these grounds frequented by trawlers?—Yes, the trawlers are a very little way from us; sometimes 10 and sometimes only 5 miles.

16,291. Yours is rougher ground than the trawlers frequent?—Yes.

16,292. But is it on the same banks and in the same locality that has for a long time been frequented by trawl-boats?—Yes.

16,293. Then you don't agree with those who say that the line-fishermen have suffered injury from the practice of trawl-fishing?—No; on the contrary, I think trawl-fishing does us good.

And again:—

16,302. Are you aware that the open-boat fishermen who fish off the coast to which you refer complain that the quantity of fish they can take has very much fallen off?—I don't know. I don't believe it is on account of our vessels going there. We only go there when the gales of wind set in; we cannot go anywhere else. We go when the fish set in after the sprats.

16,303. Are their lines the same as yours?—Yes.

16,304. They catch the same kind of fish?—Yes.

16,305. But they cannot leave the shore when you leave it, and they find no fish can be caught there?—Yes, they often leave that shore; they fish where we do.

16,306. Do the open boats fish out in the distant deep sea?—Sometimes when the weather is fine; it is all according to the weather.

16,307. But you are able to continue at sea when they are obliged to come to land?—Yes.

16,308. You are able to continue fishing when they are obliged to run for the harbour?—Yes.

16,309. In that way are you able to catch fish in rough weather when the open boats are obliged to run for shelter?—Yes, I think we are.

16,310. Is there any particular fishing ground that in your experience has diminished in its yield of fish?—No, unless it is the Orkney Islands fishing. It seems to have fallen off along the Caithness coast, the Stack, Skye, and other places.

16,311. Is there any on your own shore between Flamborough Head and the Thames that has diminished within your experience?—I don't think there is.

16,312. You cannot point out any particular ground that you would avoid going to, on which you used frequently to catch fish?—No, not one.

16,313. Have you been in the habit of going north to the Orkney Islands?—Yes.

16,314. How long have you been going there?—I have been going there for the last 32 years on and off.

16,315. When were you last there?—About two years ago.

16,316. Were you as successful as you had been in previous years?—We could not find anything at all.

16,317. In places that you were formerly successful in finding fish?—Yes.

16,318. There has been no trawling there?—I never saw a vessel with a trawl down in those parts.

16,319. What do you imagine is the cause that fish has fallen off there?—I can't say. I suppose it is the track of the herrings; they don't track there.

16,320. If you were told that it had arisen from over-fishing,—that the reason why the fish had diminished off the Orkney Islands was that they had been over-fished, do you believe that would be true?—No.

The evidence from Scarborough, where long-line fishing and trawling are carried on contemporaneously, is to precisely the same effect. 60,785–60,798.

In conclusion, we are clearly of opinion—

1. That fishing by the use of the beam-trawl is the source of by far the greatest and most progressive supply of fish, other than herring, to the principal markets of this country; that certain descriptions of fish, such as soles and plaice, could not be largely supplied by any other mode of fishing; that it engages the largest capital, employs the most numerous body of hardy fishermen, is the least under the control of the weather, and obtains the greatest returns of fish for the labour and capital employed.
2. That there is no reason to believe that trawling in the open sea destroys the spawn of fish.
3. That trawling in the open sea involves the capture of a certain very variable proportion of small fish, which is wasted or not, according to circumstances.
4. That there is no evidence to show that trawling has permanently diminished the supply of fish from any trawling ground, but that there is proof to the contrary.
5. That trawling in the open sea has not interfered with the supply of fish from line-fishermen; unless it be by catching, in a more expeditious and regular manner, fish which the line fishermen might otherwise have taken.
6. That trawling in the open sea is not shown to be a wastefully destructive mode of fishing, but the contrary.
7. That any legislative restriction upon trawling in the open sea would result in a very great decrease in the supply of fish.

2. *Complaints against all kinds of sweep-net fishing (beam-trawling, shrimping, seining, circle-net fishing), and fishing with small-meshed nets and weirs in bays and estuaries.*

Hardly any bay or estuary we have visited has failed to furnish us with complaints of the kind here enumerated, all of which, however diverse in substance, are similar in form. The mode of fishing complained of is said to destroy immense quantities of the spawn and fry of certain fish and, therefore, it is alleged, either has already, or certainly will, permanently diminish the supply of those fish.

Here, as before, it is necessary to ascertain, in the first place, whether the waste alleged occurs; and, secondly, whether, if it occurs, it can be shown to have affected the supply of fish.

We conceive that there can be no doubt that a certain amount of waste is incidental to all the modes of fishing enumerated. Every mode of fishery by which large masses of fish are enclosed at once, is likely to take immature fish; and every mode by which the bottom of the shallows is swept is certain to do so. Shrimpers not only take great quantities of immature shrimps, but numbers of immature flat and other fish, a large proportion of which are doubtless killed. Seine and circle nets enclose small fish as well as large. There is reason to think that, in bays, the trawl brings up a larger proportion of small fish than when used in the open sea. Stow-nets and some kinds of weirs, such for example as those used in the neighbourhood of Swansea, take vast quantities of small and unsizeable fish along with those that are saleable. So much is admitted on all sides.

Now, nothing can seem more consonant to reason, or more necessary *à priori*, than that the supply of any kind of fish should be permanently diminished by this great and constant destruction of the breeding fish, or of the young fry; and yet nothing is more certain than that, in many cases, this apparent necessity does not exist.

On the eastern coasts of Scotland and England, herrings just ready to spawn have been captured in great and steadily increasing quantities every year for centuries; and yet the number of herrings is as great as, if not greater than, ever. It has been already demonstrated that although beam-trawling in the open sea does destroy a certain proportion of immature fish, the supply of trawled fish has not decreased, but on the contrary has largely increased. In Morecambe Bay shrimps have been taken in vast and rapidly increasing quantities, without the least restriction upon their size or age, breeding or not breeding, for many years, but shrimps are as abundant as ever.

In fact, the argument to which we refer owes its apparent force to the fact that it overlooks one of the most important conditions of the question. It is assumed that any destruction of fry effected by man bears a large ratio to the destruction resulting from other causes, an assumption which in several cases is, certainly, and in most is, probably, altogether erroneous. Nor do we know enough of the number, the mode of multiplication, or of the conditions of existence in any locality of any given kind of fish, to be able to form the slightest estimate as to the effect which will be produced upon the number of that fish by a given amount of destruction of its young.

We are thrown back wholly upon the results of practical experience, and unfortunately it is in most cases very difficult to obtain these results in a trustworthy shape. In some instances, however, the evidence leads to tolerably clear conclusions.

A. Beam-trawling in bays and estuaries.

The evidence directed against beam-trawling in bays, on account of the destruction of spawn and fry caused by this method of fishing, which has been brought before us is very voluminous, but for the most part exceedingly vague and hard to test. It has taken the most definite shape in Ireland, where trawling in bays has been, for many years, a source of great controversy and discussion among the fishing population, and where it has been the subject of more precise official inquiry than anywhere else.

We shall, therefore, discuss the evidence against trawling in Galway and Dingle Bays, and the effect of the regulations prohibiting trawling in many of the bays of Ireland, at length; and we shall be much guided by the results of that discussion in those cases where our evidence is less complete.

Galway Bay lies nearly east and west, and though partly sheltered by the Arran Isles, which stretch across its mouth, its waters are liable to be greatly disturbed, during southerly and westerly gales, by the great waves of the Atlantic. From the Arran Islands to the head of the bay is a distance of about thirty-five miles; in width it varies from twenty-five to five miles. Inside the bay there is a considerable extent of trawling ground in

from eight to twenty fathoms. Outside the Arran Islands, the water rapidly deepens from thirty to sixty fathoms, and the heavy swell rarely allows trawling to be practised.

The bay is fished to a small extent by the Clare men, on the south, and the people of Spiddle and other villages on the north; but the largest fishing community on its shores, and that which has always claimed, and endeavoured to enforce, a certain pre-eminent control over its fisheries, is the population of the Claddagh, which is the fishery quarter of the town of Galway.

Hardiman's "History of Galway," published in 1820, speaks of attempts at trawling before that date, and of the violence by which the prejudice of the native fishermen against that mode of fishing manifested itself. Practised on a small scale by amateurs, at various intervals, it constantly excited the jealousy and opposition of the fishermen, by whom the Commissioners of Fisheries in Ireland were at length induced to pass a byelaw "prohibiting trawling within a line drawn from Barna Pier to Glenninagh Castle. Also when "large shoals of herrings shall have set in in the bay, and while boats are engaged in "drifting for herrings or mackerel, and when boats shall commence fishing for herring "or mackerel, that trawl boats shall keep at a distance of three miles from them." (See the "Abstract of Byelaws made by Commissioners of Fisheries in Ireland," Appendix No. 38).

About 1852 (see the "Report" of the Irish Fishery Commissioners for that year) trawling on a larger scale was introduced, and though opposed, not only by complaints, but also by intimidation and actual violence on the part of the Claddagh fishermen, was persisted in, seven or eight trawlers working in that year. In 1853, the opposition of the Claddagh men appears to have greatly diminished; in fact they fitted out as many as nineteen trawlers for themselves, by the help of funds subscribed in Galway; but as their gear wore out, they do not seem to have replaced it; and, since 1856, those fishermen who have continued to trawl have been in the employment of capitalists, either private persons or companies. At first they were on wages; afterwards, their employers, finding that their industry needed stimulation, put them on shares. For some years after 1856 as many as thirty-two trawlers worked at once in Galway Bay; but by the failure of the companies (from circumstances independent of the supply of fish) their number was reduced in 1860 to about a dozen, eight or nine of which were in the hands of two owners, Messrs. Sweeney and Burbidge, by whom they were steadily and profitably worked. 45,468. Mr. Andrews' 'Remarks,' p. 30. 45,807. 46,020. 46,024. 45,937, 46,068.

In 1863, however, the Claddagh men again took the law into their own hands, and by violence and intimidation prevented the trawl-owners from exercising their legal rights, thus compelling them to allow the capital of between 3,000*l.* and 4,000*l.* which they had invested, to lie idle; and this state of things continues up to the present time. 46,968, 46,071.

Having thus far attained their object, the Claddagh men seem to have considered the opportunity a favourable one for invoking the protection of the Government, and in October 1863 they addressed the following memorial to the Lord Lieutenant:—

"To his Excellency the Earl of Carlisle, Lieutenant-General and General Governor of Ireland.

"May it please your Excellency,

"We, the fishermen of the Claddagh, at Galway, supported by the magistracy, the gentry, and inhabitants of the neighbourhood generally, beg to submit to your Excellency a short statement of a grievous injury which sorely oppresses us, in the hope that you will be pleased to issue such instructions as may rectify a great local, perhaps a great national, evil.

"It is not 20 years since ours was a large, thriving, and happy community of over 4,000 souls, and the owners of 300 stout craft, in which we fished the sea with great benefit to the country and with advantage to ourselves. At the present time we do not sum up 1,500 persons nor 90 boats, and no employment is to be found even for such diminished numbers.

"That want of employment and the consequent ruin which has overtaken us is due to the reckless system of trawling pursued in our bay, by which the fish is not only scared away from their usual haunts and feeding and spawning grounds, but the spawn itself, to the extent of many hundreds of tons weight, is annually destroyed.

"A striking proof of the evil effects of that system has lately been furnished to us by a temporary suspension of its practice. During the 20 years it has been in existence the supply of fish has been gradually diminishing, until, of late, it may have been said to be exhausted, or, more properly speaking, so scared away as to render all our efforts fruitless; owing, however, to some local difficulties, the trawling boats have been unable during the last two months to pursue their usual avocations, the consequence of which is that the bay is again filled with fish, and all our people are busily employed in every direction, hunger has fled awhile from our doors, and the country is now more than usually supplied with the judiciously collected wealth of the ocean.

"We therefore most respectfully ask that your Excellency will be pleased to issue instructions to the Commissioners of Fisheries to hold a court of inquiry here in Galway to investigate the nature of our complaints and to ascertain the force of our objections, and to save from any further attempts at destruction one of the great resources of our national industry and wealth, and with it the lives of so many of Her Majesty's subjects who are totally and exclusively dependent upon it for their safety and subsistence.

"Signed on behalf of 1,500 fishermen,

"Roger Lydon."

"We, the magistrates acting in Petty Sessions, most earnestly recommend the prayer of this memorial to the favourable consideration of his Excellency the Lord Lieutenant with a view to causing inquiry to be made with as little delay as may be into the allegations contained in the memorial of the Claddagh fishermen.

"Galway, October 26, 1863."

(Here follow seven signatures.)

"As High Sheriff of the county of the town of Galway I beg to join the magistrates in signing this memorial.

"J. O'Hara."

"We the undersigned having read the annexed memorial do not hesitate in strongly recommending its prayer as an object well suited to meet your Excellency's most gracious and humane consideration.

"Given under our hands, at Galway, this day of October 1863."

(Here follow numerous signatures.)

In consequence of this memorial, a meeting of the Irish Fishery Commissioners was held at Galway. Evidence, of which a copy has been supplied to us by the Board, was heard touching the allegations in the memorial from the anti-trawling party, while the trawlers appeared only by counsel, who was instructed to state that they were prevented from appearing, as witnesses, by fears that violence would be offered to them. The same Commissioners consequently held a meeting in Dublin on the 26th March 1864, to hear the trawlers. A copy of the evidence taken on this occasion has also been supplied to us.

Your Majesty's Commissioners held a meeting in Galway on the 7th of September 1864, shortly before which a violent assault was made by the Claddagh men upon a trawler: and we were compelled to take the evidence of the trawl owners privately, as they refused to appear at the public meeting, being, as they alleged, in bodily fear.

The memorial given above embodies the chief complaints of the Claddagh men against the trawlers; and as it may be properly taken to be a condensed summary of the whole evidence against trawling in Galway Bay which was brought before us, we shall proceed to consider attentively what weight ought to be attached to the statements contained in it.

45,653, 45,662. In the course of giving his evidence before us, the writer of the Claddagh memorial, a person in a station of life far superior to that of the fishermen, did not hesitate to express the opinion that "people like the Claddagh people, in putting forward a memorial to "the Government, would naturally colour their statement in order to attract attention, "and can be scarcely held responsible for their statements, because they are very 45,686. "illiterate;" and it does not appear that the writer of the memorial, or those who countersigned and supported it, exercised any important corrective influence on their clients. Thus the framer of the memorial admitted that when he wrote that "spawn itself to the extent of many hundreds of tons weight is annually destroyed," he meant 45,663. not spawn but small fry; and that he thought that the same confusion of terms existed 45,725. "in the minds of most of the people here." The same witness asserted with no less confi- 45,671– dence that he had seen an "immense destruction of lobsters" by the trawl; but it appeared 45,679. that he had mistaken hermit crabs for lobsters, an error which could hardly be committed by a person possessing the habit of moderately accurate observation.

1. The first assertion which meets us is, that "not 20 years since the Claddagh was "a large, thriving, and happy community of over 4,000 souls."

Hardiman, in his History of Galway, quoted above, states that, in 1812, the Claddagh contained 500 families, comprising 1,050 males and 1,286 females; while, in 1820, the number had considerably increased, being supposed to exceed 3,000 souls. He estimates the number of large boats, of from eight to fourteen tons, at 250, besides a great number of smaller boats.

On consulting the first "Report of the Commissioners of Inquiry into the State of the Irish Fisheries," (p. 112,) we find that at a meeting held in Galway on the 1st of March 1836 the Rev. L. O'Donnell, Vicar-General, who was intimately acquainted with the Claddagh, stated—

"The district of Claddagh within the town parish of Galway contains about *two* "*thousand* persons, nearly all the families of fishermen;" and further on, "they marry "early in life;" and "by the public census of the district, in 1834 the average number "of persons in each family was found to be only five, including the parents."

To the same Commissioners, Captain Wynn, the Coastguard officer, who of course had excellent means of knowing the facts, makes the following return for Claddagh:

Decked Vessels.	Half-decked Vessels.	Open Sail Boats.*		Row Boats.		No. of Fishermen.
		No.	Men.	No.	Men.	
None.	None.	105	500	80	320	820

* 6 to 13 tons. Report, p. 107.

It is probable, however, that a mistake has been made in this return, the crews of the row boats being reckoned as wholly distinct from that of the sail boats, and the total number of fishermen being thus much exaggerated. For the Census of 1841 enumerates only 559 fishermen in Galway; while in 1851 the number had diminished to 504, and in 1861 to 370.

Further, an independent and trustworthy authority, Mr. William Andrews, M.R.I.A., in his "Remarks on the Formation and Progress of the Royal Irish Fisheries Company, &c.," p. 26, tells us that, between 1845 and 1848, "a sad decrease of men and boats "had occurred in the bay and at Arran from the fearful intervening years of cholera and "famine. So far as I could trace, I found that there were at that time about 55 first-class "Claddagh boats, of nine to 11 tons; 80 or 90 second-class, of seven to nine tons; and "about 200 small boats." And he adds (l. c. p. 27), "In 1852 I noticed a still greater "falling off of the Claddagh boats, the number of first-class from 10 to 12 tons being "not more than 35, and about 45 of the second-class averaging five tons. *The total "number of fishermen was under six hundred.*"

Thus, it is evident that while the population of the Claddagh *may, possibly*, have reached 4,000 between the years 1820 and 1836, it certainly had fallen off to half that number in 1836; while the number of fishermen was smaller in 1851 than in 1841, and according to Mr. Andrews their equipment was much worse. As compared with 1820, the falling off in boats is most remarkable, Mr. Hardiman estimating the number of boats of eight to fourteen tons at 250, while Mr. Andrews counts but 80 boats of from five to twelve tons. But it was only in 1852 that trawling on a large scale commenced in Galway Bay, so that it could have had nothing to do with the diminution and impoverishment of the population of the Claddagh up to that date.

It may be said, however, that, according to the Census, the number of fishermen has diminished from 504 to 370 in the 10 years between 1851 and 1861, the period during which trawling has been most active. But this statistical fact has in reality no bearing upon the question, since, in the same decennial period, the population of almost every county in Ireland underwent a large decrease, that of Galway itself diminishing from 24,000 to 17,000. Now, 370 is to 504 in almost exactly the same proportion as 17,000 to 24,000; or in other words, the proportional decline of the fishing population is sensibly equal to that of the people not engaged in fishing; and therefore there is no ground for supposing that decline to be the result of causes specially affecting the fisheries.

We are as little able to reconcile with well ascertained facts the assertion that the Claddagh was formerly a thriving community. In 1836 the Rev. M. O'Donnell states of the Claddagh fishers:—

"They are for the most part very poor. Before the late winter fishery commenced the majority of them had their nets in pawn; many were obliged not only to pawn their gear but cabin furniture, and even the iron vessels in which they prepared food."—(p. 112.)

The Claddagh men themselves affirmed:

"The fishermen not selected for cutting and carrying seaweed are unemployed at home, by which much distress is occasioned among them. Not more than two or three men in each boat are employed by the seaweed; the crew for fishing usually consists of six men.

"None of the Claddagh boats realized more than 60*l.* during the late fishery; the average earnings were less.

"None of the fishermen have land, nor do any of them hire potato ground, they supply all their wants in the market of Galway."—(Ibid., p. 113.)

"The boat owners can all get credit for materials in Galway, but the fishermen cannot, as they have not any security to give; and if they cannot obtain a guarantee they are unable to prepare for a fishery, and the boats to which they belong are unemployed. Credit is given for 12 months and the prices are moderate. Mr. Halloran gives large credit, and but for him many fishermen would be without employment.

"In summer the greater number of fishermen are obliged to pawn their nets, there being then not much employment and provisions being dear; they are in this distressed condition when the time for the harvest fishery is approaching."—(p. 113, 114.)

Mr. Macdonnell says (ibid., p. 117):—

"A few of the fishermen have comfortable habitations, but the greater part of them are in miserable dwellings."

Again, the Report which we have so often quoted clearly shows that, in former times, the Claddagh fishermen were not more peaceable than at present.

Thus Captain Wynn suggests:—

"During each great fishery an armed vessel should be employed to maintain order. Whenever the boats go out for herrings there is generally a disturbance and a battle."

The Mayor of Galway states that the Claddagh fishermen are very peaceable "except "during a good fishery."

But Mr. Halloran's evidence partly explains this (ibid., p. 109):—

.... "When disputes arise between them (the Claddagh men) and other fishermen, and assaults ensue, there is no magisterial interference without a summons, which precludes strangers when injured from obtaining legal satisfaction. There is thus no legal protection from violence."

And, finally, it appears not only from Hardiman's "History," cited above, but from the evidence taken before the Commission of 1836, that, before trawling had had any fair trial in the bay, the Claddagh men were as much opposed to it, and as ready to have recourse to violence to put a stop to it, as now.

"The Rev. Mr. Hughes stated that in 1835 an opinion was very generally entertained in Galway, that if trawling were allowed in the bay the market would be most abundantly supplied with the best fish; and he was induced by the representations he had heard to support the proposal for trawling against the prejudices of the fishermen. He raised a subscription and bought a trawl net, which was to have been tried by the crew of a private vessel, and he was to have been on board to witness the experiment. In his absence from Galway the trial was attempted, and the fishermen having chased the vessel the attempt was not persevered in. The net was afterwards neglected, it became useless; and no attempt at trawling has been made since."—(p. 107.)

As to the existence of 300 stout craft, by which it is to be presumed sailing boats are understood, Mr. Hardiman reckons not more than 250 in 1820. But Captain Wynn's Report, cited above, proves that in the succeeding 16 years an immense falling off had taken place; and this is confirmed by the "Abstract of Reports on the State "and Utility of the Fishery Piers around Ireland, prepared by Direction of the Board of Works in 1835" (Appendix No. XIX.), which estimates at 190 the number of fishing boats belonging to Claddagh. Nor is there the least trustworthy evidence that since 1836 the number has ever increased.

The memorial next proceeds to assert:—

"That want of employment and the consequent ruin which has overtaken us is due to the reckless system of trawling pursued in our bay, by which the fish is not only scared away from their usual haunts and feeding and spawning grounds, but the spawn itself, to the extent of many hundreds of tons weight, is annually destroyed. A striking proof of the evil effects of that system has lately been furnished to us by a temporary suspension of its practice, &c."

In perusing the evidence of the witnesses by whom these statements are supported it will be found:

a. That there is no trustworthy evidence whatever that spawn, in the proper sense of the word, has ever been taken by the trawl in Galway Bay.

b. Supposing that by "spawn" is meant the fry of fish, the assertion that many hundreds of tons weight is annually destroyed is contradicted by the evidence of those most opposed to the trawling, none of whom assert that more than a fifth of the fish taken by the trawl is small and unsizeable. Now, if four times "many hundred tons" of saleable fish were annually being brought up by the trawls, what becomes of the assertion, made almost in the same breath, that the fish were exhausted or scared away?

44,594, 44,984, 45,400, 44,749.

c. That the supply of fish did in fact continue, that it was not scared away from its feeding grounds, and that it has not gradually diminished during the last twenty years in Galway Bay, is made perfectly clear by three distinct lines of evidence.

(1.) Anthony O'Flaherty, chief boatman in charge of the Coastguard service, gave evidence as follows:

45,468. How many trawlers were there in 1852?—I do not recollect precisely; there might be seven or eight.

45,469. Were you aware of the report which was sent up by the Commander of the Coastguard, with regard to the fishery?—No, except as far as concerned my own immediate station. They send up a general account.

45,470. Did you ever see the report sent up by the Commander of your own station?—No.

45,471. Is the Commander of the Coastguard here to-day?—He is not.

45,472. When did the fishery begin to decline?—It has been declining, I think, since 1855 and 1856, or even from 1854. It has been declining ever since trawling commenced largely.

45,473. From the year 1854 did the number of trawlers begin to increase?—It did.

45,474. What was the largest number of trawlers you recollect in the bay?—I never recollect more than 15 or 16 at one time. There may have been more, but I do not recollect seeing more fishing at one time.

45,475. What year was that?—I cannot precisely call to mind now.

45,476. I want particularly to be correct, because I want to refer to the reports of the Commander of the Coastguard. I will read the report made in 1854. I want to know if you agree with it. It is the report made by the Commander of the Coastguard.—"The take of fish improving very greatly since the "Claddagh men began to trawl; the take of fish more productive; the conflicts much less frequent; the "habits of the fishermen more orderly and peaceable since the Claddagh men have been induced to "trawl." Do you agree with that or not,—that was in 1854?—I know there have been occasional takes of fish, even since trawling commenced, which were very good, but generally it has been much falling off, although there has been a partial increase now and again.

45,477. I will go on now to the year 1855. The next report is, "Owing to the high price of hemp, the

" trawling vessels are not so well supplied with gear this year, but in nets and lines and vessels there is " no deficiency. Last year harvest fishing was good, and paid most of the boats pretty well, and the " fishermen are sanguine as to the hopes of the autumn of this year, and intend going out much earlier than " usual. Those whose gear is ready do not seem inclined to wait as formerly for those behindhand. " The general condition may be said to be improving; although far fewer men and boats exist, they are " better found than before. The winter fishing (round fish) was much better than it has been for years in " this bay. The spring fishing with nets and lines was also excellent, but no late or winter herrings in " this district. The summer fishing with long-lines has never been, I understand, surpassed, and might " be carried out with larger vessels to an important extent, as the canoes and yawls are in a good take " soon laden, and, of course, return home to discharge, losing valuable time and opportunity of weather. " The incidents of conflict much less; in fact, disorder and fighting seem to have ceased. The habits " of the fishermen orderly and peaceable." That is up to the 1st of January 1855. Do you agree with that or not?—I cannot say exactly, but it may be the fact.

45,478. You do not think that up to that time the decrease had commenced?—Not to any large extent.

45,479. I will take now the next year, up to the 1st of January 1856. This is the report of the Commander of the Coastguard,—" The condition of the fishermen improved. Boats and gear are generally " speaking in good order. There is a sign of improvement. The take of fish is more regular and " steady. The quantity of all kinds has been larger than for years past (with the exception of herrings), " and continues so. No conflicts have taken place this year; the trawlers have taken more turbot, " soles, &c. than formerly, and those who can trawl wish to continue it, being convinced it is not, when " lawfully followed, injurious to the netters and line fishers." That is the report up to the 1st of January 1856. I suppose we may take it that the decrease of fish had not then commenced?—I suppose not at that time.

45,480. Now in the year 1857, or up to the 1st of January 1858, the following report was made by the Commander of the Galway Coastguard:—" At a good standard. This year has equalled the last, which " was very productive, save in herrings, which seem nearly to have deserted the coast. No conflicts; " the fishermen orderly and peaceable." In the year 1858 there does not appear to have been any report at all. In 1859 there was a report, and I will read you what the Commander of the Coastguard said up to the 1st of January 1860. " The general condition of the fishing establishment is superior to 1844 and " keeps a fair average. The take of fish somewhat less last year. No conflicts. Fishermen orderly " and peaceable." The report of January 1861, in reference to the year 1860, says,—" A general falling " off, owing to the scarcity of fish. No sign of improvement. The take of fish less productive." Do you agree with those reports? I have read you those reports, and I ask you whether you can now state from what time the commencement of the decline of the fishing took place?—I fancy the supply of fish has been greatly decreasing since 1854 and 1855.

45,481. You do not think, then, that it was not till 1860 that there was a decline of fish?—No.

45,482. You do not agree with that?—I do not. I think it was declining previous to that.

45,483. When did the number of trawlers begin to decline?—I think they have been declining for the last two or three years.

45,484. Take the year 1860. Can you give us the number of trawlers then at work?—I have no distinct recollection. I never thought I should be asked the question, and I have not seen them except in passing in and out of the bay. I took no particular notice.

45,485. Do you know when the small trawlers employed by the Claddagh men were given up?—I recollect well, but I do not know the time; perhaps it would be ten years ago.

45,486. One of the witnesses said he trawled for three or four years?—They did not all keep it up as long as that.

45,487. Then we may take it that in 1856 or 1857 the number of trawlers was beginning to diminish?—I think so. In 1858 they were beginning to diminish anyhow.

It is thus clear that the number of the Claddagh trawlers diminished long before the supply of fish did, and therefore that the falling off of the fish could not have been the cause of the Claddagh men giving up the business.

(2.) The second line of evidence is that supplied by Messrs. Sweeney and Burbidge, who aver, with every appearance of truth, that they invested money in trawlers in 1854–6 because they saw other persons doing well; that they continued to increase those investments until one owned seven and the other three vessels; that they worked their vessels continuously all the year round, obtaining a fair profit from them (the cargo of fish from each boat being worth on an average 2*l.* per diem) up till the year 1863, when they were impeded by violence and intimidation; and that they would gladly go on again if they were permitted to do so.

(3.) The third line of evidence which condemns this part of the memorial is the statement in its last paragraph that the bay is again filled with fish in consequence of the trawling boats having suspended their operations for two months. If the trawlers had destroyed the spawn, where did the fish come from in a couple of months? And if, on the other hand, the trawlers had gradually frightened them away, how were the impressions of terror generated in twenty long years among the finny multitudes obliterated in eight weeks?

In conclusion, we have no hesitation in expressing our conviction that not one of the allegations in the memorial is proved, while many are contradicted by the best independent testimony that can be obtained. There is no evidence whatsoever that trawling has caused a diminution in the supply of fish, or that fish are less abundant now in Galway Bay than they were thirty years ago.* The assertion that the population of the Claddagh

* In 1836 the Claddagh fishermen testify as follows:

" Turbot are not abundant in any part of the bay except the south sound. Haddock and sole are scarce in the bay. . . . Cod and ling are in the bay, but not in sufficient abundance for curers. Both kinds of fish have been scarce in the bay during the last eight years."—*Report*, p. 106.

has fallen off from 4,000 to 1,500 in the last twenty years, as stated in the memorial, is disproved: while it is certain that it has not diminished in a greater proportion than that of the whole county of Galway, and that of many parts of Ireland which are wholly unconnected with fisheries. There is, unfortunately, no evidence that the Claddagh ever contained other than a poor population, dependent for its brief periods of prosperity upon an occasional abundant supply of herrings.

There is evidence, on the other hand, that for thirty years they have remained substantially the same poor and improvident community, pawning their goods and household furniture for food; becoming indebted for their gear; and ready, at all times, to have recourse to violence and intimidation against their neighbours, at the pier or on the fishing ground, in defence of their real or supposed interests.

Dingle is another of the deep bays on the south-west coast of Ireland where the introduction of trawling excited the fears and jealousies of many of the fishermen, though the fisheries appear to have been in a wretched condition before trawling began. Thus the Report of 1835 says of this bay, "that its fisheries have declined since the "bounties; the greatest wretchedness prevails, many of the men have emigrated, leaving "wives and children mendicants. Between the trammels and seines the bay fishery "has totally failed. Trawling is never practised; it was once attempted in Brandon Bay, "but the trawl was soon forced by the local fishermen to cut and run."

Trawling was introduced here in 1848 by a company, and was at first strongly opposed by the fishermen, especially those belonging to Anascaul, whose representations induced
43,064. the Board of Fisheries, in 1852, to pass a byelaw which cut off more than one-half the
43,074. trawling ground, and is said to have had the effect of greatly diminishing the supply of soles and turbots. Notwithstanding this drawback, trawling remained sufficiently profitable to induce private persons to embark in it, and through these circumstances, independently of the supply of fish, the company has been dissolved. There are at present about a dozen trawlers, chiefly owned by the fishermen of the town of Dingle. Mr. Andrews, who has greatly interested himself in the fisheries of this place, and to whom we are much indebted for full and clear information, described the introduction of trawling as follows:—

43,763. I have been acquainted with Dingle Bay for many years, and in 1844 there was a very large number of sprit boats working in Dingle Bay. They carried six or seven men each. They were large cumbersome boats, and were only fishing at that time with small spilliards and hand-lines, and with a small train of herring-nets of no depth whatever. They only took the fish when they came into the inlets and bays upon the coast; nevertheless, the quantity of fish they took was occasionally very considerable, but they never went far out because their boats were heavy and they were not able to work out at sea very well, although very able seamen manned them. At that time I was in the habit of going out in the bay and seeing the capabilities of the bay. I turned my attention to endeavour to improve the fisheries of the place. At that time soles were not known to be taken and turbot only very rarely, except a few times by the spilliard men.

. . . . . In 1848 Admiral Sir Thomas Ussher, the Marquis of Lansdowne, the Earl of Clarendon, and Sir Charles Trevelyan took an interest in the fisheries, and through their exertions a royal charter was granted for working the fisheries on the coast of Ireland. It was proposed to commence in Dingle Bay, and in 1848 we introduced two trawlers, and the first morning we experimented with them with the assistance of O'Flaherty, one of the pilots, we took large quantities of fish. We worked with a small boat until 1849, when we brought a large trawler called the "Nelson," of 60 or 70 tons, and with a beam 45 feet in length. The first day we sent her out to the soundings we had traced out she took 300 pair of soles, besides a large quantity of other fish. The fishery went on successfully, and the Dingle men who were opposed to trawling in the first instance saw the advantage of taking the fish to the extent in which it was then taken, and joined in with the company, some of them getting boats on their own account. In consequence of the disturbed state of Ireland, and from other causes, shares were not taken in the company, and the charter lapsed to a certain extent or became in abeyance, and the fisheries went into another channel; but the Dingle men had obtained such an insight into the advantages of fishing with trawl boats in the bay that from time to time they added to the number of boats. Their means, however, were very limited, and they could not carry out the fisheries to the extent to which even now they ought to be carried out. For instance, in the spring months there are fish in great quantities off Donlus Head, but they have a heavy sea there and 40 fathoms of water, and their boats cannot work in such a bay as this in more than 25 or 30 fathoms. The great roll setting in from the sea greatly increases the strain upon the trawl when it is out. They are not like the large heavy boats they have on the eastern shore of England. There have been great disputes here from time to time with regard to the trawling, and a great many meetings have been held on the subject. There have been disputes between the Anascaul men and the Dingle men about the spawn. A number of things, such as the spawn of cuttle fish and a number of different species of sponges, have all been asserted to be fish spawn, but those are errors which have died out, and the Dingle men are now all working well. Last year, and in the previous season, there were immense quantities of cod taken by the canoe men, on the ground upon which the trawlers work. There is one question which is a matter of great importance, and that is the disappearance of the haddock on every part of the coast. That is easily accounted for. They are a voracious kind of fish, which go together in shoals, and they do not feed, like the cod and ling, extensively on the sprats or smaller fish, but they feed on the crustacea and mollusca. They feed on the ground where there are quantities of maritime animals, such as the different kinds of crustacea and mollusca and the hermit crab, which in deep water is without its shell. The haddock comes in in those places, and is taken on the south side of the bay in great quantities. For the last two years they have moved out of Dingle Bay,

but I am certain that off the islands, the Skelligs and others, they are in as great abundance as ever. It is only in consequence of the boats not being able to go out for a long distance to fish that they are not caught. Cahirciveen is a place where the haddock used to be in great abundance for years, and they were taken by the canoe men. I believe there is not a single haddock to be had there now, yet no trawlers have ever fished there. They have disappeared off certain grounds in that manner, but upon the coast, and all round the coast, I believe the haddocks are as abundant as ever if the boats went out to the proper grounds; and I believe that the number of trawl boats now working in Dingle Bay would never do any injury to the bay during the season they work in, nor would there be any injury caused to the bay if there were double the number working. As to the manner in which trawling is carried on, I must say that the boats now used are of too small a tonnage, with the exception of one or two, and they cannot work and take the quantity of fish the Nelson used to take with her beam of 45 feet, although the soles are as abundant as ever they were in the season; of course they shift in the season. One of the witnesses who have been examined to-day stated at Anascaul they are taken on spilliards in November, but at present there are none taken. The soles which appear here off this part move up the bay, and their time of spawning is March and April. They spawn in the inlets running into shallow water, and no trawl boats can work on the ground where they do spawn. The time the Anascaul men are taking the sole in greatest abundance is April and May. The fish are actually on the spawning ground in shallow water at that time, and they are taken in by no means a good condition. After they have spawned they go into deep water and recover. They are taken up to about June in the upper part of the bay, and in the autumn they are out again.

43,765. Do you agree with the statement of one of the Anascaul witnesses that soles can be taken in large quantities on the spilliard-lines?—No, certainly not, and they were never known to be taken in any great numbers. Occasionally they have been taken during the time they have been running up in the bay to get upon the spawning grounds. They have been taken during the season of spawning; I believe they take the bait much more readily then than at other times. If the men at Dingle had proper sized boats to fish during the season, from Christmas up to April or May, they would take soles in this bay in large quantities, and turbot also. At the same time the hook-and-line men could take cod in great quantities, as they have done this last year. And with regard to the trawling frightening the fish, if the trawlers have disturbed and driven the haddocks out of the bay, why have they not also disturbed the cod and ling, which are found in great quantities? They take the ling when they come to spawn, and in the summer months the cod and ling are in great abundance off the coast in deep water. If these men had large boats to fish for them, from May until the end of August, the takes of cod and ling would be enormous. They would have to fish, however, in 70 or 80 fathoms of water. Immense quantities have been taken in that way, and also a species of fish called the tusk, which is not supposed to exist on this coast.

The views taken by Mr. Andrews are strikingly confirmed by the results of an inquiry on the part of the Irish Fishery Commissioners, held at Dingle in 1862, which are stated in the following document, with which we have been supplied by the Board of Fisheries:

MEMORANDA for the Board with reference to Dingle Bay and its Fisheries, and observations on the evidence taken at a Public Meeting held by the Chairman of the Board of Public Works in Dingle on the 9th instant to inquire into applications made to rescind the Byelaw dated 2d March 1862, prohibiting Trawling eastward of a Line from Bull's Head to Cununna.

A large number of fishermen and landed proprietors attended the meeting, amongst the latter of whom were Richard Chute, Esq., Edward Hussey, Esq., R. M. Hickson, Esq., Edward Roe, Esq., Hon. F. de Moleyns, Hon. Edward de Moleyns, Rev. Mr. Divine, P.P. of Annascaul; Rev. S. Gervois, Lieut. Hawkey, R.N., Capt. Field, R.N., &c., &c.

Mr. William Andrews, formerly manager of the Royal Irish Fisheries Company, attended to support the prayer of the memorialists to rescind the byelaw.

Much important evidence was taken at the meeting, which will be found annexed.

Particular and minute examinations of the bay and the circumstances connected with its fisheries have been made, and the following observations are now submitted for the information of the Board:

Dingle Bay lies about north-east and south-west, and is in extent about 24 miles from Inch strand and about 12 miles wide between the points of Slea Head and Doulus Head.

A great portion of the bay, particularly towards the centre, is foul ground, being interspersed with rocks in such a way as to render it unsuitable for trawling. It is particularly so from about the western point of the entrance of Dingle harbour in an easterly direction to near Minard; and, in this place, these rocks run nearly across the bay, leaving clear ground suitable for trawling on the south shore only. To the westward of Dingle Harbour from about the Crow Rock to Ventry Harbour, and running southerly into the centre of the bay, is fine trawling ground; and to the eastward of Minard is also clear ground running nearly across the bay, about five miles wide by eight or nine long, in an easterly and south-westerly direction.

The former ground, viz., between Ventry and the Crow Rock, appears to have been the principal ground upon which the trawlers worked at the first introduction of trawling in the bay in 1848, and little appears to have been known of the character of the bay for trawling at the inquiry held in 1851. This western ground is the part of the bay still principally trawled on, during the early parts of the fishing season, when the soles and other flat fish are setting into the bay; and it is now urged that when the fish have well set in and passed this ground, the prohibition placed on trawling eastward of a line from Bull's Head to Cununna prevents the capture of a large quantity of fish which might otherwise be available for the public benefit and which are not now taken, in any extent, by the few fishermen living in that part of the bay who do not follow trawling. It is further urged that as Dingle bay is very open and subject to a heavy rolling sea from the Atlantic, it becomes very dangerous for any boats to venture out on the present limited trawling grounds, particularly if an easterly or north-easterly wind prevails, as they have no harbour to run to; while if the present restriction were removed the boats could, during the prevalence of such winds, beat up to the east and shoot their trawls, having Dingle harbour open to them, where they have good shelter, while the only harbour to the west of this ground is Ventry, which is too open and exposed to render it a harbour of safety for trawl boats.

Before trawling was introduced into the bay few soles were taken, the principal mode of fishing being hand-lines used out of what are called sprit-sail boats which were worked by seven men; and spillards or long lines.

On the introduction of trawling the canoes manned by only four men gradually took the place of sprit-sail boats; they fished with spillards, were much more easily managed, took less time to arrive at the fishing grounds, and were more successful than the old sprit-sail boats, which were heavy and cumbrous, and unable to stand out in a heavy sea. This system of fishing with canoes and long lines is now carried on principally on the ground between Ventry and the Crow Rock, where the trawlers are in the habit of working daily; and the evidence taken at the inquiry in 1860, and also that held on the 9th instant, goes to prove that so far from trawling injuring this ground or diminishing the supply of fish, the canoes are doing well; and, lately, the fishermen from Brandon brought their canoes overland a distance of 20 miles and fished on this ground.

The evidence of some of the witnesses lately examined is particularly strong as regards the quantity of fish taken. One witness says, "Turbot has been taken in far greater quantity everywhere that trawling has "been carried on, and every year the quantity of fish taken by trawling has been greater and greater.

"The canoe-men have been constantly out fishing to the west of the boundary line. They take more hake "and cod both with spillards and hand lines now outside the boundary line and in the trawling ground than "before trawling was introduced." Another witness, a native of Dingle, now in the Coastguard service, but who followed fishing 25 years ago, says, "There was not then as much long-line fishing as there is now. "He believes the quantity of fish taken of all kinds has been very much increased as compared with 25 years "ago. Soles were very scarce then and seldom caught." Another witness says, "We take more hake now "than before the trawling, and more cod, haddock, sole, and other fish."

Nearly all the witnesses examined gave evidence to the same effect, with the exception of the men living at the upper part of the bay at a place called Annascaul, who stated the fishing of the bay was getting worse every year. At the same time, these men proved that they frequently came to fish westward of the boundary line, between Bull's Head and Dingle, at a place called the Short Strand, and over to Cununna, and, in fact, that this was their principal fishing ground.

The men living at Annascaul are exclusively confined to canoe fishing and cannot go out when a heavy sea is running, or a strong wind blowing. They are not of the hardy character of the fishermen living at Dingle. They work on the roads and land, and in any other way as occasion offers, and hold small portions of score or con-acre land.

There are only nine canoes at this place, none of them being in what may be called good order; each canoe is manned by three men, and very seldom more than four or five canoes go out together.

According to the present boundary line, there is a greater extent of the fishing of the bay preserved for these fishermen than the trawlers and canoes of Dingle have outside Bull's Head; while, by their own evidence, they fish more to the west of the boundary line than on the eastern ground, which at present may be said to be little fished by any party.

On the whole, as the evidence obtained in 1860 and also at the late inquiry, is so strong in regard to the actual quantity of fish in the bay not having been diminished by the trawlers, in that part of it in which they are at present permitted to carry on this mode of fishing; and also, that it had been carried on only for so short a time in the head of the bay eastward of the boundary line that no correct opinion could be formed as to the statements put forth in 1851 of its injurious effects, it is a matter for consideration whether the board should either rescind the byelaw altogether and leave the bay open for all modes of fishing (particularly as, with the exception of the few Annascaul men, it appears to be the universal opinion of all classes of fishermen at Dingle, including both canoe and sprit-sail men, as well as all the landed proprietors, that the fisheries of the bay would not suffer if all restriction were removed), or protect the upper parts of the Bay from trawling by a line drawn from Foildarrig House, on the north, to Minnio's Bridge on the south, which would preserve the shallow and supposed spawning waters of the bay within the limit of six fathoms in depth.

Office of Public Works, Jan. 20 1862. (Signed) R. Griffith.

Acting upon these memoranda, the Board at once rescinded the byelaw of 1852, and since 1862, trawling has been free all over the bay. Thus it appears that the Irish Fishery Board, aided by highly qualified inspectors, possessing every means of obtaining correct information, and in possession of the views of all parties, has arrived at the conclusion that trawling is not injurious to the supply of fish, even in a comparatively narrow bay, like that of Dingle; and so fully satisfied are the Commissioners upon this head, that they not only permit trawling to go on, but repeal their own byelaw, which for ten years had restricted it.

Our own judgment, from the evidence laid before us, entirely concurs with that of the Irish Commissioners; and indeed it is difficult to imagine a stronger case against the opinion that trawling in bays is injurious to the supply of fish, than that of Dingle Bay.

We have dwelt at length upon the cases of Galway and Dingle bays, because the evidence as to the effect of trawling is of a more definite character, extends over a longer period, and has been more thoroughly sifted, in these localities than in any others, while at the same time they present all the ordinary peculiarities of bays in an exaggerated form. They are long and narrow, and thus should subserve the purposes of refuges and breeding places for fish better than almost any bays that can be named. The destruction of spawn and fry in them should be specially injurious, if it ever is so.

Carmarthen Bay is very different in its character from Galway and Dingle bays, being, in fact, little more than a wide and open bight of the north shore of the Bristol Channel. Trawling has been carried on in the bay and in the Channel, between Worms Head and Lundy Island, for more than half a century, and during the last 30 years the number of trawlers has greatly increased, the success of the Brixham men, who commenced the
56,693. fishing, having induced the Tenby people to go into the business, and augment the
56,615. number of their own trawlers from one to thirteen. As the price of trawled fish has
56,506. remained about the same for the last twenty years, these facts clearly show that the supply
56,518.

cannot have substantially diminished. The supply of cod has fallen off considerably; that of haddock slightly. 56,528. 56,531.

It is worthy of note that a very destructive mode of fishing with weirs and stake-nets has been practised for many years in Swansea Bay, in the upper part of the Bristol Channel, without any obvious effect upon the supply of fish to the trawlers.

The evidence brought before us at Hastings, respecting the effects of trawling in Rye Bay is very important, as the fishermen desired to stop trawling in the shallow part of the bay. One of them replied to our questions as follows:

16,831. You are a fisherman here, I believe?—Yes.

16,832. Have you been long acquainted with the state of the fishing business at Hastings?—I have been in Hastings all my life. I was born in Hastings. I am a native of Hastings, and I have been in the fishing trade all my life.

16,833. Can you tell us, taking a period of 20 years back, whether the supply of fish brought to the market here by the fishermen of Hastings now has increased or diminished compared with what it was 20 years ago?—I think there is quite as much fish brought here now as I have ever known. The fishing has been very good, especially this summer.

16,834. Has this been an unusually good fishing season?—It has been a very good fishing season for trawl-fish.

16,835. Can you tell us what different kinds of fish are brought into this place in the greatest abundance?—We get whiting, plaice, and mackerel, and we have had a good supply of soles; indeed, we have a good supply of mackerel, turbot, soles, brill, mullets, skate, and all descriptions of trawl-fish. With regard to herrings they have been rather slack this season.

16,836. With respect to all these different kinds of fish, has the supply, in your opinion, continued to be good, compared with what it was 20 years ago?—Quite as good. It is equally as good, in general, as ever it was.

16,837. Is there any particular kind of fish that, within your experience, has diminished in quantity on the average?—Not any. There has been no diminution in any kind that I have seen, except herrings. We have had an abundance of all other kinds, but we have been slighted by the herrings.

16,838. Can you tell us the number of boats engaged in fishing now, compared with what it was 20 years ago?—I do not know the exact number, but I should think it has increased about double.

16,839. Can you give us the precise figures?—I should think we had 50 or 60 at one time, and now we have about 120 of all classes.

16,840. On the average, are your boats about the same size, or are they larger?—They are much larger. They are double and treble the size.

16,841. Do they carry the same number of men now that they did formerly, or do they carry more?—We have a different class of boats altogether now. The large boats carry from eight to ten hands, and the small ones which are engaged in trawling carry three. The larger boats do not go trawling; they are only engaged in the herring and mackerel fishery.

16,842. Do you know what number of men are engaged now compared with the number engaged 20 years ago?—Taking them altogether, fishermen and fisher boys, there are about 600 or 700.

16,843. Have you any notion what the number was about 20 years ago?—I think it has increased one-third at least.

16,844. Will you tell us the different kinds of fishing that are practised here. I want to know what the different kinds of boats are, and the different kinds of net and line that are employed?—We use the herring and mackerel net, and the trawl net on the trawl-boats.

16,845. Leaving out of consideration for the present the herring and mackerel-fishing, by what mode of fishing is the bulk of the fish caught?—By trawl-fishing.

16,846. Are the trawl-vessels decked vessels?—No, they are open boats.

16,847. Open boats?—Open boats, belonging to Hastings; they are half-decked boats.

16,848. How many people are there in each of them?—Three.

16,849. Do you know what is the length of the beam of the trawl?—It is about 28 feet.

16,850. Has that long been the size of the trawl beam used here?—No. The beam is larger than it was formerly. The boats are larger now by four feet than they were formerly, and in that way they have increased the length of the beam. It used to be 26 feet long, but now we have got larger boats we have thought it necessary to have larger beams, and the length of the beam now is about 28 feet.

16,851. How many of the boats you have named will be engaged altogether in trawling?—Perhaps there may be about 50.

16,852. Then the great proportion of your fishermen here will be trawlers?—They are trawlers, herring men or mackerel men, according to the seasons as they come round.

16,853. Are some of the boats employed in the herring and mackerel fishing as well as in trawling?—Yes.

16,856. Have you many line fishermen here?—No; not very many.

16,857. Do they fish with long lines or with hand-lines?—With hand-lines.

16,858. Has the number of hand-line fishermen here increased or not within recent years?—There are very few more now than there used to be. I do not think that they will muster more than eight or ten.

16,859. Do you mean eight or ten boats, or eight or ten men?—Eight or ten boats to go hooking.

16,860. Are they decked boats?—No; they are little open boats that go along the coast.

16,861. Has the quantity of fish caught by these boats increased or diminished within the last 20 years?—The last season they were off the coast here their take of fish increased a great deal. A little boat would go off and bring ashore 30 score of whiting. They have been very numerous here, and have increased in numbers considerably.

16,862. Have you heard any complaint of a general decrease in the catch of fish by the hand-line fishermen?—Not at all.

16,863. Not in recent years as compared with what the catch was previously?—No.

16,864. At the present moment do they make a good business of it?—The fishermen in general are not making a good business at this time, but when they have fine weather for fishing they can get plenty of fish.

16,865. Is the price as good now as it was 20 years ago?—The price is about the same as usual.

16,867. Do your trawl-vessels go far out to sea?—Some of them fish from seven to eight miles off, and if they have very good weather they may go from 12 to 16 miles from the land.

16,868. What depth of water do they fish in?—About 23 or 24 fathoms of water.

16,869. Are they ever in the habit of trawling in Rye Bay?—Yes; that is the principal ground for trawling.

16,870. Do they trawl there in shallow water?—Yes.

16,871. What kind of fish do they get there?—All sorts of fish; almost every kind of fish you can mention.

16,872. But are they not principally flat-fish?—Yes; plaice, soles, turbot, and skate. They also get whitings, and occasionally codfish.

16,873. Has that bay been trawled over for many years in succession within your recollection?—I believe it has been trawled over for centuries; long before my time. There have been trawlers there all my time, and my father's, and my grandfather's too.

16,874. That bay has been trawled over, as far as all record goes, as a matter of constant and regular practice?—Yes.

16,875. It has been constantly fished with the trawl net?—Yes.

16,876. Has there been any apparent diminution in the quantity of fish caught, year after year, in Rye Bay?—Not a bit; there are quite as many there now as ever I knew.

16,877. Then, if you were told that the system of trawl-fishing as practised in Rye Bay has caused the fish to become exhausted, you would not, from the knowledge and experience you have of that bay, believe that to be the truth?—I should say that it is decidedly untrue.

16,878. Have you ever heard the line fishermen complain of the injury done to them by the trawl fishermen fishing in-shore?—Not a bit of it. The trawling does not affect the line-fishing at all.

16,879. Would it not affect it by diminishing the fish?—It might do so if the fish had diminished; but now when we get within the bay they are quite as plentiful as ever they were. There are as many codfish, and whiting, and hook and line-fish as ever. As far as we are engaged here, which is not very long, for line-fish, they are as plentiful as I ever knew them to be. We get here a fish called the bream, in the summer season, and they have been more numerous than they were ever known to be before. They have got immense quantities of them with the hook and line.

16,880. Do the trawl-boats bring the same kinds of fish ashore as the line-boats?—They get trawled whiting and trawled bream.

16,881. Are the trawled whiting and the trawled bream in as good condition as similar fish caught by the line?—Yes, they are in quite as good condition, except that occasionally the scales may be a little rubbed off.

16,882. Would you give as good a price for trawled whiting and bream as for hooked whiting and bream?—Yes, I would; and sometimes they will fetch more.

16,883. If the system of trawling was restricted, and abolished altogether in Rye Bay, do you think it would seriously diminish the quantity of fish brought into the market here?—We should scarcely get any at all.

16,884. Would not the line fishermen be able to supply the deficiency?—No, not one hundreth part of it.

16,885. Then is the great bulk of the fish brought in here caught by the trawlers?—Yes. The town and fisheries of Hastings are supported by trawling, and if you were to take the trawls from them you would create as much, if not more, distress than the great distress which has been experienced in Manchester and the manufacturing districts.

16,886. Would any injury be done if a regulation were enforced restricting the places in which the fishermen should be permitted to use the trawl; do you think that would do any injury to the fishing generally?—No. I think if they were prohibited from fishing during three months in the year, or within three miles of the shore, the fishing generally would be greatly benefited.

16,887. During what three months should they be prohibited and from what part of the shore should they be excluded?—I think the months of June, July, and August are the three months during which they should be prohibited.

16,892. What is your reason for recommending such a restriction?—Because we have had the injury which this sort of fishing does brought so frequently to our notice. In the summer season we constantly see boats trawling within those buoys you see off a place here we call Wapping. These boats come in and land a basket of soles of a middling size, and then another basket of soles about the length of my finger. Now if the boats were not fishing there at that time these small soles would go into deeper water, and they would be catching them now in a condition fit to be caught.

16,893. What do they do with these small soles; are they sold?—Yes, they are sold.

16,894. Do they realise a good price?—No, they are sold almost for nothing; perhaps for 2*s.* or 1*s.* 6*d.* a basket.

16,895. Is there a large quantity of small soles brought in?—Each boat will bring in three, four, or five baskets.

16,896. Is there a larger quantity of these small soles than of the larger ones?—There are many more small soles than large ones. The small ones are not allowed to grow into large fish, but they are caught because they go off the ground.

16,897. What is the proportion of the large soles compared with the small ones?—There will only be one basket of large ones, and four or five baskets of small ones.

16,898. Then the catch at a certain season of the year comprises fish which is sold to the poorer classes?—Yes.

16,899. And sold at a very cheap rate?—Yes; they will sell it for anything they can get for it; just what they can catch.

16,900. But if it is the fact that notwithstanding the catching of these small fish the supply of large fish is not diminishing in Rye Bay, but that year after year it seems to keep perfectly good, and is rather increasing than diminishing, what is the injury of which you complain?—Why, I think we should have a better supply still of good fish if these small fish were not taken.

16,901. You think they would grow to be much larger?—Yes; and although we have a considerable increase now, I think we should get double the increase in future years.

16,902. Is there a sufficient quantity of fish caught by your own fishermen here to supply the market at Hastings?—Yes; and to supply other markets as well.

16,903. But do you not get a supply from London?—Yes, when the weather is bad, and our boats cannot go to sea.

16,963. You were speaking of the line-fishing and trawling off the coast in summer time. What number of boats are engaged in that?—Do you mean in line-fishing?

16,964. No, the trawlers trawling a short distance from the shore?—About 50.

16,965. Is there a large quantity of small fish caught there?—Yes, a great deal.

16,966. Does that description of trawling extend far from Hastings?—It goes on from Bopeep Bay right down into Rye Bay.

16,967. Is there any fishing at that time in deep water?—There is some fishing, but it does not pay. It is rather slack fishing then. They do not follow it as they would if they were compelled to go there, and were prevented from fishing in-shore.

16,968. If a stop were put to this in-shore fishing, would it put a stop to fishing altogether?—No, they would fish them on the off-grounds; they would go then and catch all they could on the off-grounds.

16,969. I understood you to say that the fishing off the coast is not so good then?—It is hardly as good but sometimes they get a good fishing.

16,970. You say that the small fish that they catch fetches a small price in the market?—Yes.

16,971. Then does it not pay the fishermen to catch them?—It is generally a small class of boats that fish in-shore; the larger ones fish outside.

16,972. Would not a regulation prohibiting the fishing in-shore prevent a large quantity of fish from being brought to market?—Perhaps it would, but I do not think that the fish they bring into the market is of any good to us; it is rather an injury to those who bring them into the market. We had better never see it at all. It would be far better to let it bide where it is.

16,990. Do you know how long this fishing for small fish in the summer months has been practised here?—Ever since I recollect.

16,991. But you have not observed that it has produced any diminution in the catch of large fish?—It is certain that we should have more fish if we did not kill the small ones. I do not notice any decrease in the number of large fish caught here, but we must remember that the taking of these small fish has always been practised and carried on. If it was done away with altogether I have no doubt that we should have a much better supply than we ever had.

16,992. Do you know whether any spawn is ever destroyed by any process of fishing?—We never see any spawn itself.

16,993. Have you never seen any brought up in the trawl nets?—I have seen spawn along the shore, but I never saw any in the trawl nets.

16,994. I think you have stated already that nobody interferes with you with regard to your mode of fishing here?—No.

James Page, fish salesman, further testified:

17,002. Are you a fisherman or a fish salesman?—A fish salesman.

17,003. Have you been a fisherman?—Yes.

17,004. Have you recently been at sea as a fisherman?—It is 17 years since I was fishing. I served my time to it, and I was 10 or 12 years fishing.

17,005. Can you tell us anything more than the last witness?—I know that the fish has increased rather than diminished.

17,006. Do you know from your own business that there has been an increase in the supply of fish?—Yes.

17,007. Is there a larger catch altogether brought in?—Yes.

17,008. Do individual boats bring in as much, or is there an increase only on account of the increased number of boats?—Taking what they brought in 17 years back, they bring in a great deal more now.

17,009. Does each boat bring in more than it did formerly?—Yes.

17,010. And there is a large increase in the number of boats?—Yes.

17,011. Then there must be a large increase in the supply of fish altogether?—Yes.

17,012. Are the fishermen making a better living out of it?—Yes, 17 years ago I used to go fishing for 7*s.* or 8*s.*, and now they can get from 15*s.* to 20*s.*

17,013. From 15*s.* to 20*s.*?—Yes.

17,014. As their share per week?—Yes.

17,015. Do they fish by shares?—Yes.

17,016. Is there any fisherman employed by wages here?—Not one.

17,017. Do you know whether or no there is any quantity of young immature fish caught in the summer time near the coast?—In certain months of the year, perhaps during two or three months, there is a great quantity of small fish caught close in-shore.

17,054. Do you agree with the previous witness that the supply of fish in Rye Bay has increased of late years, and not diminished?—Yes, there has been more taken out of Rye Bay in 10 months of this year 1863 than in any previous year.

17,055. Do you suppose that the whole of the bottom of Rye Bay has been constantly trawled over?—Yes, thousands of times, and I believe that the more it is trawled over the better it is.

17,056. Have you as a fisherman trawled in Rye Bay?—No, I never went trawling, except for about three years.

17,057. Did you trawl in Rye Bay then?—Yes.

17,058. Did you ever observe that you were trawling over the same ground as a vessel which had just been trawling in front of you?—Yes.

17,059. Did you find that by following in the track of that boat you got fewer fish?—No, we got more sometimes.

17,060. Have you seen a number of boats following in succession, and fishing over the same ground?—Yes, many a time.

17,061. Would all of them do well, and get a good quantity of fish?—Some would, but I cannot say they all would.

17,062. Is it the fact that when one trawl-boat is getting a good take of fish, another trawler will try to follow over the same ground?—Yes, in the same direction, day after day, and week after week.

17,063. The second boat will keep as near as possible to the same ground?—Yes, in the same depth of water.

17,064. Is the ground in Rye Bay good ground to trawl over?—Yes, it is a very soft good ground.

17,065. Is there any particular food there that the fish feed on?—There is when the ground is stirred up by the trawl. We think the trawl acts in the same way as a plough on the land. It is just like the

farmers tilling their ground. The more we turn it over the greater supply of food there is, and the greater quantity of fish we catch.

Robert Kent, boat builder, gave the following evidence:

17,147. Have all the different kinds of fish, except mackerel and herrings, continued to progress?—The trawling has been progressive.

17,148. Is the greater proportion of the boats you have built intended for trawling?—Yes.

17,149. What is the average tonnage of the trawl-boats here?—The average tonnage of the trawl-boats is about eight, nine, or ten tons.

17,150. Are they half-decked boats?—Yes, lug-rigged; we call them luggers.

17,151. You build nothing larger for the mackerel-fishing?—Yes, we build boats of from 15 up to 20 tons.

17,152. Are the fishermen of your acquaintance improved in their circumstances?—The herring season this year has been a very bad one for them, and the last mackerel season was very bad also; they had three seasons before that three mackerel-fishings that were very bad, therefore we can see no considerable room for improvement.

17,153. Is the mackerel-fishing a large proportion of the whole fishing along here?—The trawling is the principal fishing.

17,154. Has there been any diminution in the catch of the trawlers?—Not at all; I should say there were more fish caught out of Rye Bay last summer than in any summer I have ever known.

17,155. Then you agree with the previous witnesses that there has been no apparent diminution in the number of fish caught by the trawlers in Rye Bay?—I do.

17,156. Or on any part of the coast that you are acquainted with?—I quite agree with them in that matter.

17,157. Do you think that much injury has been done to the fishery by catching small fish in the summer?—Of course if they catch them when they are so small they never allow them to get large; I do not think that any harm would be done if they fished further off the shore in the summer months.

17,158. If fishing in-shore were prohibited during the summer months would you be deprived altogether of these small fish at that time?—We should catch small fish further from the land, but not in such great quantities.

17,159. Would you get any other fish to make up the loss you thereby sustained?—I think the fishermen would get better remunerated for their services if they went further from the land.

17,160. I believe you are not a fisherman yourself?—Not at all.

17,290. 17,384. 17,291. 17,398. 17,415. The evidence of the other witnesses is to the same effect. They all admit that the large quantities of small fish are taken, and all think it might be well if the in-shore fishing were prevented; but all are most decidedly of opinion that the supply of fish has very greatly increased of late years. They object to the taking of small fish, because they think it *must* diminish the supply, but they do not pretend for a moment that it *has* diminished it.

17,283, 17,287. 17,411. If these statements are true (and we have no reason whatever to doubt their accuracy) they effectually dispose of the question as to the effect of trawling in the shallow bays. In Rye Bay such trawling has taken place on a great scale for many years, and the destruction of small fish is admittedly great; and yet there is a steady and great increase in the supply of fish.

We have quoted, thus fully, from the evidence taken at Rye Bay because it affords the best instance to be found along the coast of England of continuous trawling by large and increasing numbers of vessels in shallow water. A reference to the evidence and to a map of the coast will show that such cases are by no means common, and that along a very great extent of the coast, and in very many of the bays, there is absolutely no trawling at all.

7691. 11,968. 11,638. 11,831. 12,445. On the east coast of England the larger class of trawlers from Barking, Lowestoft, Yarmouth, Grimsby, and Hull never trawl within 20 miles of the shore, or in less water than 20 fathoms. Some of them, however, cross over in the summer months to the Dutch coast, and trawl along the banks from the Texel to Schelling, often within three miles of the shore, which for a distance of 150 miles is described as good for trawling. They meet there large numbers of Dutch trawlers who do not, however, interfere with their fishing. North of the Humber, again, with the exception of Bridlington Bay, Flamborough, and West Hartlepool, there is little inshore or bay trawling, though the trawlers approach the coast nearer than further south. Off Northumberland the trawling ground is separated from the shore by six miles of rough ground. In the Firth of Forth trawling is carried on by a few local trawlers, but has been partially prohibited by the Scotch Fishery Board on grounds where it is supposed that herrings spawn.

10.327. South of the Thames, the Ramsgate trawlers, at times, work between headlands; they would not object to be prohibited trawling in less than 10 fathoms of water, though they do not wish to be forbidden coming within headlands, as they get a great quantity of large fish in deep water in the bays. From Hastings the trawlers mainly fish in Rye Bay and Hythe Bay. From Brighton the trawlers are of a small class, and fish mainly 10 to 20 miles from the coast, but occasionally within two or three miles. In the Solent there is very little trawling. Outside of the Isle of Wight the ground is generally rough, and unfit for trawling for some distance. From Brixham the trawlers work in Torbay and Start Bay, chiefly in winter time, when the weather prevents their going into deeper water. They would not object to be prohibited from fishing in the bays during the

summer months. From Exmouth six small class trawlers work in the offing of that port, in comparatively shallow water.

At Plymouth the trawling-ground is very confined, extending over no more than 21 miles in length by nine in breadth, south of the Eddystone. The trawlers, however, occasionally work in Bigbury and Whitesand Bays, and complaints are made of the take of small fish there, though it is not alleged that any falling off of fish in the deeper water has resulted from this destruction. There appears also to be occasional trawling in Looe Bay, Mevagissey Bay, and Mounts Bay, but, in the latter, only in deep water. 18,705.

In the Bristol Channel there are a few trawlers that work in Bideford Bay. The Tenby trawlers work in Carmarthen Bay, and a few from Swansea in Swansea Bay. Further north there remain only the Liverpool and Fleetwood trawlers. From Liverpool the larger class of trawlers work, occasionally, in the bays on the north coast of Wales, and, quite lately, have tried the open bays of Carnarvon and Cardigan; but their main fishing-ground lies in the open sea between Liverpool and the Isle of Man. There is also a smaller class of trawlers from New Brighton, a fishing village at the entrance of the Mersey, which trawl for soles and flounders in the estuaries of the Mersey and the Dee and on the banks in their neighbourhood, and are stated to take considerable numbers of small fish. From Fleetwood the trawlers never work in bays, nor in shallow water.

The trawling which has thus been described must not be confounded with shrimp trawling, which is carried on to a very great extent in many of the larger estuaries—chiefly in the Wash, in the Humber, in Harwich River, and along the coast of Essex and Kent, in the Solent, in Torbay, in the upper part of the Bristol Channel, in the Mersey and Dee, and along the banks off those estuaries, in Morecombe Bay and the Solway Firth.

It has often been suggested to us, with a view to the prevention of the destruction of small fish, that trawling should be prohibited within the bays, or within a certain distance of the shore. Even many of the trawlers themselves, though by no means admitting any falling off of fish, are not indisposed towards some restriction, with a view to the advantages which they think would result from the preservation of young fish. In few cases, however, would they be content to be altogether kept out of the bays, except where they are never in the habit of trawling within them. It becomes important, therefore, to consider what would be the effect of prohibiting trawling in bays; and, with that view, we proceed to consider the result of such prohibitions in Ireland.

A reference to the map of Ireland, and the byelaws made by the Commissioners of Fisheries, will show that trawling has been prohibited in a considerable number of the bays round the coast. It is forbidden in Dublin Bay, in the bays northward from the Nose of Howth to Cranfield Point in the county of Down, in the upper half of Belfast Lough and Lough Swilly, in nearly half of Galway Bay, in portions of Donegal, Brandon, Glandon, and Bantry Bays; and, in Waterford Harbour, the larger trawlers are prohibited working in about half the bay.

In reference to the general question of trawling in bays, it is most important to ascertain what has been the effect of these restrictions and prohibitions; have they tended to an increase of fish? have they quieted the fears of the fishermen? It has been stated to us that these restrictions were made, not so much from any idea that they would promote the increase of fish, but rather as matters of police. The policy of the Fishery Board, which entertained an opinion that it was desirable not to interfere except for the purpose of keeping order, has been to do as little as possible. To whatever cause, however, the prohibitions were due, it is not the less important to discover their effects, and it is much to be regretted that no careful statistics exist shewing whether they have tended in any way to increase the quantity of fish. We found great difficulty in ascertaining from the loose and vague statements of the fishermen themselves what has been the result. In many places, great difference of opinion exists as to whether the prohibitions are observed or not; in many, it is allowed by the trawlers themselves that they are not. Thus the Balbriggan trawlers admit that they trawl within the line of prohibition from Clogher Head to St. Patrick's, and they say that their boats being small and unfit to go far to sea they would be ruined if kept out of the bay. It is clear also that the Dublin trawlers work in this bay in bad weather. 37,255–6. 37,268. 49,792.

37,741. Do the Coastguard ever come out to you, if you are fishing within the prohibited line?—Yes; that has been done in Skerries Bay and Balbriggan, but not often.

37,742. And have they warned you to go outside the prohibited line?—Yes, but we must have fine weather to do that.

37,743. Is there much trawling within the prohibited line?—Yes, at certain times of the year.

37,744. By Dublin boats?—Yes, Dublin boats and all kinds of foreigners.

37,745. Do you think they go there on a dark night?—Yes, and in the daytime too, quite frequently.

37,746. Is there anybody to prevent you?—If it is blowing a gale off the land, there are none of the Coastguard who can come out; they know that they are safer ashore.

37,747. Then you do not think the prohibition has been of much use in preventing you from going into the bays?—The trawlers do not continue it as a practice, although they will get in now and then.

35,611. With respect to Dublin Bay the evidence is conflicting; the trawlers deny most strongly that they trawl within the prohibited area, and complain much of not being permitted to do
37,470. so, saying that in the winter, when southerly and south-westerly gales prevail, their boats would fish in the bay for plaice, which the line fishermen do not take. The line fishermen with equal confidence assert that the trawlers do fish in the bay, and complain of the falling off of fish. The truth, we believe, lies between the two statements; the trawlers probably work in the bay, at night, on their way in and out of the bay, when
35,973-4. they can do so without fear of detection; but there is no continuous trawling, as there would be if it were not prohibited. As a guardship lies at Kingstown, there are peculiar facilities for preventing trawling in the bay, and we are therefore driven to the conclusion that if the prohibition has been effectually carried out it has not had any beneficial effect on the line fishing in the bay; or that it has not been prevented, notwithstanding the facilities which here exist for its prevention.

In Belfast Lough it is admitted by the trawlers that they trawl upon the prohibited ground during the night; they complain of the prohibition, on the ground, that it has
47,667. imposed increased hardship upon them, by obliging them to fish at night by stolen marches and at considerable risk, owing to the number of steamers. They say that the fish congregate in the upper part of the lough, and that if unable to fish there at all, they
47,811. would be seriously damaged. The line fishermen make no complaint against the trawlers, as they, for the most part, fish outside the lough; the trawlers confine themselves to the lough, and if trawling were altogether prohibited in the lough, as it might easily be, there
48,015-25. would be no trawling at all from Carrickfergus. The width of the lough at the line of prohibition is only $4\frac{1}{2}$ miles, and there are six Coastguard stations, with an average of six men in each, who are partially engaged in enforcing observance of the byelaw. If any boats are seen trawling within the line they are immediately chased, and when there is suspicion of trawling at night a boat is manned, if men can be spared from the patrol. Yet the inspector of Coastguard is of opinion that in order to carry out the prohibition effectually, he would require at least double the existing complement of men and boats. At Galway Bay, the byelaw which was passed in 1843 and 1854, drew a line which cut off nearly half the bay from the trawlers; this law was not observed by the smaller class
44,654. of trawlers, but we believe that the larger class observed the law, except occasionally in
45,242. the night; it does not appear, however, that it produced any effect upon the supply of
46,050. fish, or quieted the alarms, or put an end to the violence, of the line fishermen. At Dingle, it has been found advisable to rescind the byelaw prohibiting trawling in the upper half of the bay, and there is nothing to show that, while existing, it promoted the supply of fish. In Waterford Harbour, the byelaw restricts trawlers of above five tons, from working in the shallow parts of the bay. We are unable to see any reason for such a restriction; the smaller class of trawlers are more likely to fish the shallow waters, so as to take small fry, than the larger class, and we presume it was only passed as a measure of police, and as a compromise between the larger and smaller class of trawlers.
37,262. In Dundalk Bay, trawling has been entirely stopped by the operation of the byelaw; the line fishermen expressed themselves as satisfied, but we were unable to discover that any increased supply of fish had resulted, or indeed that any quantity of fish is taken in the bay. The inhabitants do not appear to have been satisfied with the supply of fish, and applied to the Commissioners for a partial repeal of the byelaw, so as to permit their own fishermen to trawl there: however, on being told that if the bay was thrown open it would not be thrown open exclusively to them, but that all the Dublin trawlers would be permitted to trawl there, they withdrew their application.

In reviewing the general result of these prohibitions, we cannot but come to the conclusion, either that they have not been strictly observed, or that, if observed, they have not proved of any benefit to the line fishermen. It is obvious that it must be extremely difficult, where trawlers are at work off the coast, to prevent their coming within a line drawn between two headlands, or between two points in a deep bay. Even in the daytime it is not easy for any person on shore to say, with certainty, whether a boat is trawling within the line; while, if it be clearly ascertained that she is, there is the further difficulty of ascertaining the number of the vessel, and, if the weather be rough, of sending a boat to board her. Of course in the night-time these difficulties are greatly enhanced; unless boats were constantly patrolling the line it would be almost impossible to prevent occasional trawling. If trawling were prohibited in the whole of the deep bays, such as Galway, Dingle, and Bantry, it would be put an end to off those parts of the coast. Outside these bays the water is very deep, and the seas heavy, the full force of the Atlantic swell being felt there; and it is only at very favourable times that even the large class

of trawlers will venture out. It is impossible, therefore, that trawling could be prosecuted, with any chance of success, if the boats were unable to work in these bays during the long intervals when they dare not go outside. The same observations apply to Loughs Swilly, Foyle, and Belfast, there being little or no trawling ground outside. 45,986.

The trawlers in bays and loughs, as elsewhere, take, as a rule, fish of a class seldom caught by the line fishermen. Even if it were true, then, that some damage is done to the line fishermen by trawlers (of which we are not satisfied), it would in our opinion be unwise to interfere with trawling, unless it can be clearly shown that the line fishermen alone would supply the market with a greater quantity of their own fish than the trawlers and line fishermen together of all kinds of fish. To such allegations as that trawling frightens away the shoals of herrings and sprats, and even hake, we attribute very little importance. Experience of other places, particularly the east coast of England, where so much trawling takes place, often in close proximity to the herring fishery, without driving the herrings from the coast, shows that there is no ground for such assertions. 46,052.

We believe that in Ireland, as on the west coast of Scotland, where there are numerous deep bays, migratory fish, such as herrings and sprats, are very uncertain; they will, for years, make their appearance in particular bays, and then, for no apparent reason, leave them, returning again after an interval. The appearance in the bays of larger fish, such as cod, ling, and hake, depends in turn upon that of the shoals of herrings and sprats upon which they prey.

B. Shrimping.

The shrimp-net is substantially a beam trawl of small dimensions, and worked by the proportionately small power of a man, or half-decked boat, in the shallow waters of sandy bays or estuaries. We have examined into the practice of shrimping on the large scale at two places, the estuary of the Thames and Morecambe Bay, in each of which there is a large, profitable, and long-standing shrimp fishery. In the estuary of the Thames the assistant river-keeper of the Conservancy Board is charged with the duty of supervising the shrimp fishery, in which from 50 to 100 boats, each with two men, are employed all the year round. There is no precise limitation as to the size below which shrimps may not be taken; but the fishermen are (and for the last half century have been) obliged to sift their shrimps and throw the small ones overboard. In the course of this process many are destroyed, but a large proportion of the undersized shrimps pass through alive. 61,099. 61,109. 61,121. 61,186. 61,195.

The shrimpers take fish along with the shrimps, but if these are under a certain specific size they are thrown overboard. 61,218. 61,222.

Trawlers working in this estuary for flat-fish are subject to the same regulations.

The number of boats and fishermen in the Thames has increased of late years, and there has been no falling off in the supply of any kind of fish. The assistant river-keeper thinks that "shrimping and the fisheries of all kinds at Lea are better now than ever they were, and that there is more money earned." It is clear from the evidence of this disinterested official that shrimping, as carried on in the estuary of the Thames, does no harm to the supply of fish, and does not show any symptoms of exhaustion. 61,218. 61,168. 61,175.

In Morecambe Bay, in the county of Lancashire, no sort of supervision has ever been exercised, and shrimp sifting is practised as the fishermen find it convenient, or not. Nevertheless the supply of shrimps shows as little sign of diminution as in the estuary of the Thames, where these precautions are taken. Half a century ago only eight or nine boats were employed in shrimping in this bay, now there are 150. The boats themselves are large, and whereas formerly each boat had but one net, at present, it carries two. Thirty quarts each tide is reckoned a good catch for a boat now, as it was in former years; and as each boat catches the same number as formerly, the total catch is enormously increased. 1864 was, in the opinion of one of the witnesses, the "fullest shrimping that was ever known." This profitable trade, however, was hotly attacked as the source of immense damage to the other fisheries. The evidence of one of the opponents of shrimping is worthy of attentive study. 54,919. 54,573. 54,572. 54,583. 54,587. 54,880.

55,436. How do you account for the decrease in the quantity of the flounders or flukes?—I am afraid to speak what I think about it,

55,437. You may say what you like here.—One should be careful what one says. I believe that shrimping is the worst thing that ever was begun. They were never intended for food for man. Anybody can see that they were only intended for food for fish.

55,438. Are there many shrimpers from this place?—There are a few. I have followed it myself.

55,439. How many are there?—Not many.

55,440. Then it is not the shrimpers here who do harm to the fluke-fishing?—No, not in this bay; but they do harm wherever they are.

55,441. Are you referring to the shrimpers in Morecambe Bay?—Yes.

55,442. What harm do they do?—They kill all the young fry. When I was a boy my grandfather has told me about being able to get more fish than his boat could hold; but that is not the case now.

55,447–8. But you would stop their trade altogether?—Yes; because it is not a benefit to anyone. Shrimps were never intended for food. Anybody can see that. What man could fill his belly with shrimps?—It is a ridiculous thing to suppose they were ever intended for food. Only look at them.

55,449. But what number of men would you be taking from this trade?—It is a weighty matter and a serious job I know.

55,450. Would it not do a great deal more harm to destroy the shrimp trade than the flounder trade? Yes; but had you not better do a present harm, than wait until they are all killed.

55,451. Which brings in the most money, the shrimping or the flounder taking in Morecambe Bay?—I do not know; but only look at the ova destroyed. Thousands and thousands of the young fry of soles and turbot are entirely destroyed, and then make a calculation of what they would bring in, if they were allowed to grow up. It is not alone what the shrimps bring in; but when you have butcher's meat at 9*d.* and 10*d.* a pound, I think it is a great objection to destroy all this young fry.

55,452. You think they do damage not only to the flounder-fishing, but also to the sole and turbot?—They do damage to all the young fry that come upon the shore.

55,353. Do they not do any damage to the deep-sea fishery, do you think?—I have heard many tales about that, but I am not a witness upon that point. I am not condeming them at all.

55,454. Do you think that the decrease in the flounders has had any reference to the mussels which have been found on the banks?—Wherever there is a strike of mussels they will come from a long distance to that strike, that is when the mussels are about the size of coffee-beans. They crack them and eat them, and they are attracted there from places all round.

55,455. Then do you think the disappearance of the flounders is due to there not being so many mussels?—Yes; they feed upon any crustacea at the bottoms of the rivers. Trawling in four feet of water is a very bad thing I think.

55,456. Does it take the mussels away?—No; but it destroys all the food the fish feed upon.

55,457. Do you not think that the disappearance of the flounders may be due to that, rather than to shrimping?—No; it is shrimping that causes it. I have seen so much of it.

55,461. Have you, when the tide goes out in the summer, seen a large number of the fry of fish of all kinds destroyed by the sun and the heat?—I have seen it sometimes on the sands.

55,462. Do you not think that there is a great destruction of fish in that way?—The Almighty who made them has made an allowance for that; there would be plenty and to spare for food for all our families, if they were not unhappily destroyed.

55,463. There is a vast destruction in that way?—Yes, plenty; but I think there is an allowance for waste of that sort.

55,464. There is a vast destruction in that way?—Yes, there is.

The query 55,461 has reference to the following remarkable statements made by a witness, favourable to shrimping, who was examined at Morecambe Bay.

54,604. One reason you assign for that is that shrimps are constantly increasing in quantity?—I think the shrimps are mostly destroyed in the hot weather. There are little bits of sand edges left by the tide. The tide runs hard on those banks, and leaves ridges that will hold about a table-spoonful of water. The young brood of all kinds stop in these little bits of crevices, and when the weather comes very hot the water completely dries, and leaves them lying dead on the sand. There are a hundred thousand times more destroyed in that way than in any other way.

54,605. Nothing can prevent that?—I have seen them rolling up as far as the eye could follow them. I have seen a roll of the small fry going on the banks just as the tide took them; you would be surprised to see the quantity destroyed in that way.

54,606. There is a large quantity of dead fish left in that way?—Yes; there is an enormous quantity of small tiny things just shaped that are left dead.

54,607. They are left dry by the evaporation of the water?—Yes.

54,608. What are they?—There are all kinds of fish, but chiefly shrimps and little flukes.

54,609. Do you think there are any small soles?—Yes; there are small soles among them. There are small fish of every kind.

54,610. What other kinds?—They will be chiefly flukes and shrimps I think. The flukes leave their spawn in the water, and it floats about and stops in these little bits of crevices, and when they are left dry they are killed at once.

54,611. Do you ever see any young herrings, or haddock, or cod among them?—No.

54,612. Has frosty weather the same effect upon the young fry which are left on the sands when the tide goes out?—They go into deeper water as the weather becomes colder.

If it be true, as both witnesses agree, that spawn and fry are destroyed upon this gigantic scale, by natural causes, in Morecambe Bay, it seems obvious that shrimp catching can constitute but a small portion of the destructive agencies at work upon shrimps; and that, as it has certainly had no effect in diminishing the supply of shrimps, it is not likely to have had much influence upon the flat fish.

53,845. 56,001. 54,183. 54,306. 54,307. At Dumfries again, the decline in the taking of flounders was very definitely connected, by some of the witnesses, with the shrimp fishing which has gradually increased in the Solway. But the shrimp fishermen maintain, in the first place, that they throw the young flounders which they take overboard again, for the most part alive; and, in the second place, that the cause of the decline of the flounder fishing is to be sought, not in any destruction of their fry, but in the falling off of the mussels on which the flounders depend for food, in consequence of the sanding up of the scars to which the mussels adhere.

54,339. Do you know whether the men who trawl for flounders make a good business of it on the whole?—It all depends on the season of the year. There is a very good prospect for flounders this season, because Brewing Scar is all covered over with young mussels which has not been the case for six years before.

54,340. Have you found any other banks on which to trawl for flounders where you could make a good catch this year?—We got 18 stone on Monday, and with a good breeze of wind we might have doubled it.

54,341. What is that compared with last year and the year before?—The catches were very thin then, on account of the scars being sandy.

54,342. Has flounder-fishing fallen off?—Yes.

54,343. On account of the scars not being well covered with mussels?—Yes.

54,344. Has anything been done to the scars to render them less productive of mussels?—No; but the sand gets on them and chokes the mussels, and the fry of the young mussels cannot get there.

54,345. Then that is according to the weather and tides?—If the scars are bare and keep clean they will get covered with "freer" directly.

54,346. Is that the spat of the mussels?—Yes; if there be plenty of that "freer" there will be plenty of flukes.

54,347. Does that vary in different seasons?—Yes, it depends on how the channels work and run up.

54,348. What is the nature of the soil of the scar?—It is stone. It is about 30 years ago since we came into this country and from Preeside then they could not get a fluke. And what was the cause of that? It was because the scars were sanded up, and they were obliged to go over to Cardornock to fish there. The sanding up of the scars was the cause of it.

54,349. Is it within your knowledge that 30 years ago there was as bad a flounder fishery as there is now?—Yes, and I have been told that the Preeside men went across to fish.

54,350. Is there any witness here whose experience goes as far back as that?—The man from whom I had that is not here, but he told us that he was for some time going from Preeside to Cardornock to fish for flounders, and that was all on account of the scars being bare.

54,351. You say that the scars this year present an appearance favourable to good flounder-fishing?—Yes, they do, and it will be a good flounder-fishing.

54,352. Then in your opinion it is not the mode of fishing that has injured the flounder-fishing but the want of food for flounders?—Yes, just the want of food.

We see no reason to doubt that this may be the true explanation of the falling off of flounders in the Solway. At any rate, until it is proved that this and like causes are sufficient to account for that falling off, it would be in the highest degree unjust and inexpedient to interfere with so profitable a trade as shrimping.

C.—Circle-net Fishing.

Circle-net fishing for herrings in Loch Fyne has been greatly complained of as a wasteful and destructive mode of fishing. A Royal Commission, of which one of us was a member, inquired into this question in 1862, and reported to Your Majesty in 1863. But, as it appeared desirable to investigate the matter anew and independently, the two of us who were not members of the previous Commission, proceeded to Loch Fyne and took fresh evidence, so as to be enabled to form their own conclusions. These conclusions are in entire accordance with those published in the "Report of the Royal Commission "on the Operation of the Acts relating to Trawling for Herring on the Coast of "Scotland," which we quote and adopt as follows:—

13. Our inquiries satisfy us that the fishery of Loch Fyne has suffered no diminution by the operations of the trawlers, but that, on the contrary, it is a steadily progressive fishery, when the periods of comparison are made sufficiently long to correct the annual fluctuations, which are always considerable in this as in all other herring fisheries. The approximate gross take of herring in Loch Fyne, according to the returns of the Fishery Board, are as follows:—

General annual average take from			1833 to 1843,	18,994 barrels.
,,	,,	,,	1844 to 1848,	15,427 ,,
,,	,,	,,	1849 to 1853,	19,149 ,,
,,	,,	,,	1854 to 1858,	25,744 ,,
,,	,,	,,	1859 to 1862,	42,165 ,,

14. This steady increase of the fishery, during the period when trawling was practised, cannot be ascribed to an augmentation in the number of drift-net boats; for these, on an average of the same years, with the exception of 1862, show no increase, while the square yards of netting employed remain also comparatively stationary. Hence we are forced to the conclusion that there have been no grounds for the alarm that the fishery of Loch Fyne was being destroyed by the operations of the trawlers (16, 17, 18).

14. This result established for Loch Fyne is found to apply to the West Coast of Scotland as a whole, viz. that there is a steady increase in the fishery during the periods when trawling was prosecuted, and since it has been abandoned (19).

15. The selected years of bad fishing, brought as proofs that trawling was destroying the fishery, have, when examined, no application to the question, as an equal number of years of quite as bad fishing are found in every decennial period before the system of trawling had been discovered (16, 17).

15. The selection of the prosperous year of fishing, 1862, is equally fallacious as bearing on the question. It is only an instance of the singular fluctuations of the herring fishery. In a period of nearly 40 years, the two most productive years have been 1860 and 1862. In the first of these years the second Act of repression was just passed, but trawling was still actively carried on, and had been

in more or less active operation for 15 years. It was only effectually put down by the Act of 1861. The good returns of these two years prove beyond a doubt that trawling has not injured the fishery of Loch Fyne (18).

17. These conclusions as to the steady increase of the fishery in Loch Fyne negative the assertion that the trawlers scared away the shoals of fish when entering the Lochs (20).

18. The evidence laid before us, and the experience of the Irish, Norwegian, Newfoundland, and Labrador fisheries, prove that trawled fish, when properly handled, are fit for the purposes of the curer. The reason of their occasional inferiority for this purpose is the reckless mode of pursuing a system of fishing, in the constant apprehension of being caught in the violation of the law (22, 23, 24, 25).

19. Trawling for herring has been an important means of cheapening fish to the consumer, by the large and sudden takes, and has thrown into the market an abundant supply of wholesome fresh fish at prices which enable the poor to enjoy them without having to come into competition with the curer (26, 28).

20. It is this circumstance which in our opinion has produced the demand for repressive legislation, for the gains of the drift-net fishermen are much affected by the sudden and great captures of the trawler, who, working with less capital and with a more productive kind of labour, is able to undersell the drift-net fishermen, and to derange the market for the curers. It is to be observed, that as facilities of locomotion and transport increase, the market for fresh fish becomes more important than that for salt fish, and the former suffers if any special protection be afforded to the latter. As regards Loch Fyne, the number of barrels of herrings sold fresh already considerably exceeds that cured. From 1844 to 1853, 55,247 barrels were cured, and 77,137 barrels were consumed in a fresh state. From 1854 to 1862, 129,000 barrels were cured, and 168,530 barrels consumed fresh (15, 28).

21. The demand for repressive legislation is only another form of that which always arises when a new and more productive form of labour presses inconveniently upon those who prosecute and have embarked their capital in the old and less productive form of labour (20, 28, 44, 45, 46, 47, 48, 49).

22. Although recent legislation has been in logical sequence of that which has long prevailed, and may in the absence of new inquiries have been requisite to prevent disturbance of the peace, still, as it proceeds on the assumption that it is justifiable for the conservation of the breed of herring, we are bound to state that in this point of view the repressive Acts of 1851, 1860, and 1861 were altogether unnecessary; that they are essentially Acts for protecting class interests, and interfere with the invention and application of new and more productive modes of industry (26, 28).

The opinion expressed in the 15th to the 17th paragraphs of the above Report, that trawling for herrings cannot be shown to have had any bad effect upon the fishing in Loch Fyne, is strikingly borne out by the results of the fishing of 1863 and 1864. Trawling has been totally suppressed during these years; and yet, as the following evidence, given by Mr. MacLean, a fish curer and an opponent of trawling, shows, the fishery has not improved, but the contrary.

49,954–49,959. 50,424–50,425.

50,315. Do you know whether within the last two years the supply of fish from Loch Fyne has considerably increased?—Two years ago there was as large a quantity as ever I knew.

50,316. That was in 1862?—Yes.

50,317. But I mean taking 1863 and the present year?—It has not been so large, but nobody can give any notion of what the reason is.

50,318. But nevertheless it is the fact?—It is, but may be they may go north and south for 30 or 40 years. We get a great season one year, and not much the next year. We can never give any account of the herrings in that way.

50,319. Was it not the case that the greatly increased take of 1862 was ascribed to the stoppage of the trawling?—I never thought it.

50,320. It was given as the reason, was it not?—It was by ignorant people.

50,321. You do not think that the system of getting herrings by the trawl or by the drift-net affects the quantity that comes into the market?—No, if a large body of fish comes into the Channel the trawling has nothing to do with it. They come into the Channel, and up they go into the loch.

Mr. MacCulloch, another Glasgow fisherman, strongly opposed to trawling, testified to the same effect.

50,198. If you take the interests of the consumer to be represented by the quantity of fish that go into the market in the course of the week, would you say that the quantity supplied to the consumer under the present state of the law, when there has been no trawling, has increased or decreased?—I think it has neither increased nor decreased since trawling has been given up, taking one year with another.

50,199. Then we are to conclude, if it has not increased, that so far as that goes there has been no advantage to the consumer in consequence of giving up trawling?—Well, I do not think there has. If you want a supply of herrings, then is the time that the Norwegian herrings come in to fill up the gap.

50,200. You, as an opponent of trawling, admit that as far as an increase in the supply to the consumer throughout the year is concerned, there has, so far as it has gone, been no increase of the supply of herrings in consequence of the suppression of trawling?—None, except in 1862, the second year after trawling was prohibited; there was a great increase then, but we have not had any increase since. I rather think there has been a falling off for the last two years.

It will be observed further, that, according to the evidence of this and other witnesses the supply of herrings of late years has not been equal to the demand, and that the deficiency has been made up by the importation of large quantities of Norwegian herrings. But it so happens that these herrings are caught by methods either very similar to, or identical with, the so-called trawling; so that the effect of the existing state of the law is to force the consumer to import from Norway, herrings of the

43,973. 50,181. 50,183.

same character as those with which the Scotch fishermen could readily supply him, if they were permitted to employ the same mode of fishing. It is, in fact, to take the purchase money of these herrings out of the pockets of the Scotch, and put it into those of the Norwegian, fishermen.

The conclusions expressed in the 19th, 20th, and 21st paragraphs of the Report cited, that the outcry against trawling has mainly arisen from the effect of that mode of fishing in lowering prices, are also fully borne out by the evidence of witnesses opposed to trawling, given before the present Commission. Mr. MacCulloch is particularly frank on this head.

50,065. Have you formed any opinion as to the advantage or disadvantage of the system of fishing with the trawl-net, as it is called, in Loch Fyne?—Yes, I have formed a decided opinion against it.

50,066. What reasons do you give for that opinion against the system?—Because I have seen them at one time getting a great amount of trawled herrings which they have sent into the market, and which has reduced our market very much. At other times when we could not get trawled herrings I have found the other herrings going up very much. In point of fact the people who traded in herrings did not know what to do.

And again,

50,161. You spoke of great quantities of trawled fish being thrown into the market at one time, which you said was injurious to the curers?—Yes, it is decidedly injurious to the trade.

50,162. Was the principal quantity of it sold in the market as fresh fish or bought by the curers?—It was sold both as fresh fish and cured.

50,163. Then the effect of its coming into the market was to lower the price of fish, and that affected the price of cured fish?—Yes, and hurt the curer, so that he did not know what he was doing; it made him disgusted and rather inclined to push himself out of the trade.

Mr. William Gallacher, fish curer of Greenock, stated broadly that "herrings were "always cheaper when trawling was practised;" and Neil Leach, fisherman of Ardrishaig, replied to our queries as follows:— 49,967.

51,075. What harm did trawl-fishing do to you as a drift-net fisherman, when it was allowed to go on?—Well, they were doing harm in bringing down the price, and many other things.

51,076. Was that by bringing a large supply into the market?—Yes.

51,077. And in that way they did injury in lowering the price of your herrings?—Yes.

As respects the condition of the herrings taken by the trawl, the evidence is very contradictory; some persons maintaining that trawled fish are better than drift-net fish, some that the two are equal, while the majority assert that they are inferior to drift-net fish, at any rate for the purposes of the curer. The two great defects of trawled fish for curing purposes are said to be the rubbing off of the scales, in consequence of which the fish stick together; and the blackening of the flesh of the herring, as a result of the accumulation of blood about the backbone. We entertain very little doubt, however, that these defects of trawled herrings, where they exist, depend very much upon the mode in which the herrings are treated after they are caught. It is a matter of our own observation that herrings *may* be taken by the trawl in considerable quantities alive and perfectly uninjured; while Messrs. Bonamy Price and St. John consider it to be an established fact that drift herrings may, if badly managed, fall into the very same condition as that which is alleged to be characteristic of trawled herrings. 50,594. Report, p. 3. 51,412.

"We have ourselves seen 80 crans, or upwards of 90,000 herrings, arriving in one "boat, under the burning heat of an August morning, shovelled into baskets, and then "conveyed in carts, late in the morning, to the station of the impatient curer. If the "general catch is large, the herrings must be again heaped up in the curing pits, whilst "the congealed blood, now incapable of flowing at the gutting, *blackens the backbone*, "*and ultimately the fish itself.*"

But the discrepancies of opinion upon this point are really of very little moment. The question is not whether the trawled fish yield an article as delicate-looking and tempting to a connoisseur as the drift-net fish, but whether they furnish so cheap and nutritious a food that there is an abundant demand for them.

Upon these points the evidence allows us to entertain no doubt whatever. It is certain that the fresh trawled fish meet with as ready a market and are as sound and wholesome food as fresh drift-net fish; and it is also certain that any difference in quality there may be between cured trawled fish and cured drift-net fish, is not sufficient to prevent the former from finding a ready market.

We are unable to find any satisfactory proof in the evidence which has been brought before us that trawling, or circle-net fishing, for herrings is, when properly practised, wasteful or destructive to the brood and spawn of the herring. We are of opinion that it has been and may be, a very important means of supplying the market with an abundance of fish; and that, not unfrequently, under circumstances which preclude the capture of herrings by the drift-net fishermen.

And whatever may be the case as regards herrings, it is certain that a method of fishing precisely similar to the so-called "trawling" has been practised in taking pilchards from time immemorial on the coast of Cornwall, without any suspicion having arisen that it is destructive to the brood of the fish, or that it, in the slightest degree, injures the fish for curing purposes.

Appendix No. 1.

D.—Seines, Stop-nets, Weirs, and Stow-nets.

Seines partake partly of the nature of circle-nets, and partly of that of trawls. Stop-nets and weirs may be regarded as fixed seines and trawls, in which the motion of the tide takes the place of the sweeping of the net; and the complaints made against these machines are of exactly the same nature as those made against trawls. Whatever arguments apply to the one apply to the other; and as they are comparatively few and insignificant, we do not think it necessary to make them the subjects of special discussion.

Stow-nets are especially used in the estuaries of the Thames and on the coast of the eastern counties of England for catching sprats. It is affirmed that they occasionally destroy considerable quantities of the fry of other fish; but we have met with no proof that their employment diminishes the supply of those fish, and it certainly has not affected that of sprats, which, though taken in immense quantities every year, are as abundant as ever. Sprats, like herrings, are subject to considerable fluctuations.

A great outcry has been made against the stow-boat fishermen for catching fish to sell for manure to the farmers. It appears to us, however, that the reprehension with which the fishermen have been visited, on this ground, has no sound basis, but is the fruit of mere ignorance and prejudice. For, if a fisherman catch a quantity of sprats, and on coming ashore find, that from a want of demand, or some other cause, the price which he will receive for them in the market will not remunerate him for his expenses as captor and carrier, it is surely better that he should sell them for manure, and thus secure himself from total loss of time and labour, while, at the same time, he promotes the supply of agricultural produce to the country in general, than that he should throw them away, and thus suffer a loss himself and cause a loss to others.

See p. xviii.

3. The results of our examination into the complaints enumerated under the first head may be now conveniently summed up under the form of answers to the three questions expressing the separate issues we had to consider.

a. Waste by the destruction of young fish takes place in the course of the practice of all the modes of fishing which have been passed in review, and is to a certain extent inseparable from those modes of fishing.

b. The waste which thus occurs in the course of beam-trawling in the open sea, and in all kinds of sweep-net fishing, has certainly not affected the supply of fish in many localities, and is not proved to have affected it in any. Whether taking shell-fish without regard to their size or to their breeding season has injuriously affected the supply of those fish, is a point upon which we can offer no judgment, seeing that the evidence before us does not enable us to distinguish between the effects of simple over-fishing (or taking away too many fish of full size and not breeding) and those of taking away brood and breeding fish.

c. Thus, as we have found no single case in which it has been satisfactorily proved that waste has occurred to a sufficient extent to affect the supply of fish, we have not reached the third issue, viz., how far it is desirable to interfere by direct legislation, and how far it is better to trust to natural checks.

Although we are clearly of opinion that such amount of waste as has hitherto occurred has had no sensible effect upon the supply of fish, and although we think it improbable that such waste as is likely to occur will seriously affect that supply, seeing the enormous proportion which the population of the sea bears to our implements of capture, yet we are by no means disposed to deny that under some circumstances, and in certain localities, the supply of fish may be diminished by wasteful and unskilful modes of fishing. Should a case of this kind ever be clearly made out, it will undoubtedly be the duty of the Legislature, acting for the common good, to interfere, supposing that the waste be not of such a character as to check itself.

Beam-trawling in the open sea, for example, is a mode of fishing which certainly requires no legislative interference. For if any trawling-ground be over-fished, the trawlers themselves will be the first persons to feel the evil effect of their own acts. Fish will become scarcer, and the produce of a day's work will diminish until it is no longer remunerative. When this takes place (and it will take place long before the extinction of the fish) trawling in this locality will cease, and the fish will be left undisturbed, until their great powers of multiplication have made good their losses, and

the ground again becomes profitable to the trawler. In such circumstances as these, any act of legislative interference is simply a superfluous intervention between man and nature.

But there are other and more difficult cases frequently alleged to exist (though never proved to our satisfaction) in which the operation of the natural check would be unsatisfactory and inadequate. Suppose, for example, it could be shown that the weirs in Swansea Bay destroyed such an immense quantity of useless fry of flat fish as to impoverish the grounds of the trawlers in the Bristol Channel, then the natural check could be no longer entrusted with the correction of the evil. For the weirs might well catch a sufficient quantity of fish to repay their owners and yet furnish a very far less quantity of food to the people in general, than would be supplied by the trawlers thrown out of employment. And, indeed, it is quite conceivable that the profit to the weir owners might be enhanced in proportion to the damage done to the trawlers. Supposing such a case as this to be clearly made out, it would be the obvious duty of the Legislature to interfere and insist upon the removal of the weirs, or upon their being so altered as to be incompetent to retain and destroy the fry.

We are disposed to think that in this, and all parallel, cases in which restriction could be clearly justified, the wisest course would be not to pretend to regulate the implements of the fishermen, but to render the destruction of fry and useless fish penal, leaving it to the ingenuity of the fisherman to devise the best means of combining the capture of the fish he wants, with the escape of those which are useless.

II. *Complaints that a given mode of fishing interferes with the lawful occupations of Fishermen of another class or of other Persons.*

The grievances may be thus classified :—

1. Complaints against beam-trawlers on the part of long-line, drift, and trammel fishermen.
2. Complaints against trammels by line fishermen.
3. Complaints against drift fishermen on the part of pilchard-seine, or circle-net fishermen.
4. Complaints against seine and circle-net fishermen on the part of drift fishermen.
5. Complaints against fishermen with large seines by small-seine fishermen.
6. Complaints against foreign fishermen.

1. *Complaints against Beam Trawlers.*

A. Complaints by Long-line Fishermen.

Wherever the trawlers and the line fishermen work, on or near the same ground, as is so often the case on the north, east, and south coasts of England, the east coast of Ireland, and in the bays and lochs of Ireland, complaints are made by the line fishermen against the others for injury done to them by breaking and carrying away their lines. In some cases, as at Staithes, Filey, Flamborough, and Carmarthen Bay, the line fishermen assert that they have been obliged, through fear of losses of this kind, to abandon ground on which they had been in the habit of setting their lines, and to set their lines on rough ground, which they say is not so well suited for fishing as the smooth ground, but where the trawlers dare not work. It cannot be denied that there is cause for these complaints, particularly where, as is often the case, the ground on which the trawlers can work is limited in extent. When it is recollected that the line-fishermen often shoot three miles of line, buoyed only by bladders at every mile; that the line is shot across the tide, while the trawlers work down the tide; that both modes of fishing are carried on at night; and that though the line fishermen are generally anchored at one end of the line, the trawler must have great difficulty in seeing in which direction the line is shot, it is inevitable that the trawlers should often work over the long lines.

At the same time, it is clearly proved that the trawl-net will pass over the long line, when the latter is lying on the bottom of the sea, without doing more damage than occasionally breaking off a snood with its hook. It is only when the trawl comes in contact with one of the buoys, or with the line close to the buoy, where it is suspended in the water between the buoys and the bottom of the sea, that there is danger of breaking it or carrying it away; and we are disposed to think that the cases of damage are not very common, and have been rather exaggerated by the line fishermen, in aid of other arguments which they have used against trawling. The following evidence from a fisherman who has been fishing for more than 40 years, the last six exclusively with the long-line, shows that the two modes of fishing are not incompatible on open ground. 4867. 35,383. 37.687.

7767. Do you fish upon the same ground the trawlers fish upon?—Yes.

7768. Do they carry away your long-lines?—If a trawler comes across the buoy it will carry it away.

7769. Do you think the trawling and long-line fishing can go on together?—I am satisfied that they can because I have seen them.

7770. Have you been fishing with the long-line and sustained any damage?—I never suffered any injury unless the trawlers happened to come athwart our buoys. In that case they might carry them away.

7771. Would not the ground rope of the trawl catch the anchor?—It might catch the hook and break the snood, but not the line; the snood is much smaller than the line itself.

7772. Would it not pull up the whole affair?—No, I have seen it repeatedly, and I should never haul up my lines for a trawler; I never did.

7773. Then in your judgment the two modes of fishing can go on together?—They do so at present. Occasionally they bring up a buoy, but they bring them to us again. Our names are all upon them, and they will come to me and say, "Mr. Hill, I have got a buoy of yours," and of course I take it from them.

7774. No damage is done by them that seriously injures you?—I have not lost five shillings nor five pence ever since I have been fishing in consequence of the trawlers.

35,585. On the other hand, the trawlers complain that the line fishermen sometimes go in a body and shoot their lines across the ground where the trawlers are at work, and that therefore they wilfully run the risk of having them carried away. The following version was given by Mr. Sweeney, of Galway, of the annoyance which he suffered from practices of this kind on the part of the Claddagh men.

45,997. Have any complaints been made against your boats for carrying away spilliard lines in the bay?—Yes.

45,998. Has that been of frequent occurrence?—No.

45,999. How often has it occurred?—Three or four times. At first they were in the habit of setting their lines across our trawls, and I was fool enough to make good any damage done. When they were coming across us they would say, "Heave up your lines, or we will cut your gear." If the men took up their trawls, then that day would be lost. I disputed with them at last, and the question was brought before the chairman of the quarter sessions, and the matter was decided in my favour. After that they gave over that kind of persecution.

The trawlers generally admit that they often cross the long-lines without observing them; and they affirm that if they see, at some little distance, the bladders with which a long-line is buoyed, they can alter the course of their vessel so as to cross the line only where it rests on the bottom, and where therefore there is no danger of carrying it away; but that it would be impossible for them altogether to avoid the line, or haul up their trawl in time to escape sweeping over it.

We do not think that these complaints are of sufficient importance to justify any special legislation; as, for instance, any limitation of the ground of the trawlers, or of the time during which they shall be permitted to work. To prohibit them from trawling during the night would, in many cases, be to alter their whole course of fishing; in all, it would very materially affect their trade, and certainly diminish the supply of fish. Their success depends so much on favourable weather that they are obliged to take advantage of good breezes whenever they occur, and we are satisfied that it would be very injurious to them to cut off their night fishing. A limit of ground is, on the showing of the line fishermen, already carried out in some places. Where the ground is constantly worked by trawlers in great numbers, so as to render the chances of loss of lines, or collision, considerable, the line fishermen have themselves abandoned the ground, and set their lines on the rough ground where the trawlers cannot work. This is said to be not so profitable to them; but, for the community at large, we believe that it would be better that the line fishermen should be restricted to ground on which the trawlers cannot work, even if not quite so profitably, than that trawlers should be prohibited working on any ground which is suitable to them.

B. Complaints by Drift Fishermen.

The complaints by the drift fishermen are of a similar but more substantial nature.

Off many parts of the west coast of England, and in the English and Irish Channels, the trawlers work on, or near, the same ground where the herring, mackerel, and pilchard fishermen set their nets; and, everywhere, we found complaints on the part of the latter that they occasionally lose their nets, or find them cut through and injured by the trawlers. This takes place not only near the coast and in the bays, but in the open seas at a considerable distance from the shore; and it is obvious that where both classes of fishermen prosecute their fishing by night, it must happen that, in dark, or foggy, weather, trawlers often find themselves among the drift fishermen before they have had time to alter their course, or to take up their trawls.

The following evidence, given at Polperro by a pilchard drift fisherman, represents generally the views of drift fishermen:—

21,840. What have you to say in regard to trawling?—I think that trawling by night injures us a great deal sometimes.

21,841. Have you yourself ever been injured in consequence of the trawlers trawling by night?—Upon one occasion I lost a great deal of net. It was cut away, and it was picked up by some other vessels.

21,842. Where did that occur?—It was off here. The boat was a Mounts Bay boat.

21,843. Did you ascertain who it was that had done the damage?—No, I could not get a wind strong enough to enable me to go after him and find out his number. I believe that he hove his foresail over the number so that we should not detect him. We could not see the letters on the stern nor his number, We were obliged to cut away the nets. There was a rope attached to the bottom of the net to save it, but we had to cut six nets away.

21,844. The boat was a Mounts Bay boat?—Yes, but it put that night into Plymouth. It was very much afraid of the consequences when it occurred. I thought I should be ruined, and indeed I should have been very much injured if I had lost my nets. The next day, however, I fortunately got them again. They had been picked up.

21,845. Have you sustained any injury on any other occasion?—Yes, but not to the same extent. Several times the trawlers have trawled across my nets, and cut them away.

21,846. Do you think there is no remedy short of putting down trawling by night?—I do not know.

21,847. Is it absolutely impossible to provide any means by which you might be enabled to identify the persons who commit the damage?—All I know is that they interfere very much with our pilchard-fishing, and also with our mackerel-fishing.

21,848. Do they injure you in any other way than damaging your nets?—Yes.

21,849. In what way do they interfere with you?—We cannot shoot our nets in less time than two and a half hours, and sometimes it will take us five or six. Sometimes, directly we have got our nets out, a number of trawlers will shoot their trawls, and come down right among a fleet of boats.

21,850. You know that that is illegal?—Yes, but they do it constantly, and when we find they are among us, every one of us has to haul in his nets as fast as he can, in order to get clear of the trawlers. We think that a very great hardship. We are compelled, if nothing worse happens to us, to lose our fishing.

21,851. Do you think that no kind of regulation would be sufficient to protect you short of putting down trawling by night altogether?—I think that trawling in the night time should be put a stop to. I do not think that trawling altogether should be prevented, but something should be done to prevent them from interfering with us when we have our drift-nets out. They pay no attention to us at all, and in the night time they do not care where they trawl. We have sometimes actually seen them go over the nets, and if we were near enough to hail them they would swear that they had never seen us, and that they had not touched the nets at all. Yet, when we have hauled the nets in, we have found them all torn, and the fish that were in them gone.

Again, at Howth, Mr. McCullum, the owner of six herring boats, and who was represented to us as a most successful fisherman, having realized very considerable sums within the last few years, gave us the following evidence:—

36,868. Have you to complain of the trawlers for carrying away your drift-nets?—Yes.

36,869. Is that a matter of frequent occurrence?—No, it is exceptional.

36,870. Do you think it is done by the trawlers wilfully, or is it the result of accident?—I do not think it is an intentional thing; it is the result of accident.

36,871. Is it difficult for the trawlers to get out of the way of the drift-nets?—I believe it is when the fleet is heavy.

36,872. Do you think that the damage you suggest is done in that way?—Yes, it has been. There was one case in which Charles Wright, from Penzance, about four years ago, lost two-thirds of his nets. He asked me if there was no way to get redress, or to recover satisfaction. I said it was a little difficult, but I went up to Dublin and called on the Fishery Board with him. When we went up Mr. Barry gave us a warm reception; he used his influence, so that we recovered two-thirds of the loss. If it had not been for that, Charles Wright would have been literally ruined. Mr. Barry gave us every assistance, and seemed to be anxios to put an end to this sort of thing, as far as possible, so much so, that a meeting was called down at the pier on that occasion, and we had several trawlers examined from Ringsend and Kingstown, and the conclusion arrived at was, that the injury done was very great when the trawlers came within certain limits. The limits of the fishing since that time have much extended; the boats now go to a distance of from 30 to 35 miles. Unless they go that distance, they need not expect fish. I was the first to come down with Scotch nets to the Isle of Man, but there were some here before me. We found the fish when we came to the Manx and Irish coasts at least 10 or 15 miles nearer the coast than they are now. The reason we assign for their having gone further off is, that there is so large a fleet working upon them and so large a number of trawlers. I believe there is no use in fixing three miles as a limit beyond which the trawlers shall trawl from the herring fleet. The proper shooting time is when the sun is setting, but sometimes the boats have to run on until it is nearly 12 o'clock, because if they do not get their distance they need not expect the herrings; then if the trawlers are shooting outside of them they come in contact with them against their will. So long as the herring-fishing is being carried on, I do not see that the trawler has any chance of success without doing injury both to himself and to the drift-net fishermen.

36,873. Do you think the two modes of fishing incompatible?—Yes.

36,874. Then it becomes a difficult case indeed for any legislative action?—Yes. 13,926

It was, doubtless, to meet these difficulties the Convention Act prohibited trawling in all places where boats are engaged in herring or mackerel drift-net fishing, and directed

that trawlers should always keep at a distance of at least three miles from all boats fishing for herring or mackerel with drift nets; and further directed the lighting of drift boats in a distinctive manner, namely, that they should hoist, on one of the masts, two lights, one over the other, three feet apart.

We find that none of these regulations are observed. The trawlers are unanimous in saying that it is as much a loss to them as to the drift men if they run across the drift nets, since it involves the necessity of pulling up their trawl and clearing it, and they lose much time in the process; and that it is their earnest desire to keep out of the way of the drift nets. Further, they complain of the drift fishermen for not observing the regulations as to lighting, so that they are not able to ascertain when they approach the drift boats in the night time. They also allege that, frequently, the drift fishermen purposely come and set their nets where trawlers are at work, and compel them to heave up their trawls and sail away, in the manner described in the following evidence:—

37,798. Are you much in the way of the drift men, or are they in your way?—I was trawling last year, and they came out an hour before sunset, and put down their nets all around me, and it was with some difficulty that I could get my trawl up. I was afraid that they would take the law of me, and the law is all in their favour.

37,799. Was it before sunset?—An hour before sunset.

37,800. Is the state of the law such that, under those circumstances, they would be able to recover from you?—I believe that, if I had got foul of their nets, they could do as they liked with us. I might just as well say, "I am guilty."

37,801. But if it was not your fault?—They would not listen to that.

We believe that it would be a very serious loss to the trawlers, and probably render their fishing unprofitable, if they were prohibited from fishing at night, and as limitation of space is in this case impossible, the subject must be left to the ordinary tribunals.

The proper lighting of drift boats is very important; but supposing them to be properly lighted, we are of opinion that the legal presumption of negligence should be always against the trawlers, so that, in case of damage, the owner of the nets may recover against the trawler.

C. Complaints by Trammel Fishermen.

Complaints by trammel-net fishermen are much of the same nature as the foregoing, but have less weight in this respect, that the trammel net is very much less easy to detect at a distance. It is set at the bottom of the sea, with one small buoy only to mark its presence, while the owner does not, as in the case of the drift fishermen, hang on to the end of his nets; but having set them over night goes home, and returns early the next morning to take them up.

Great complaints were made to us against the trawlers by the trammel fishermen, for carrying away their nets, at Bantry, Kenmare, and Dingle. In all these bays, however, the ground fit for trawling is very limited, and though it was represented to us that the rough ground is not so suitable for the take of hake, yet as great numbers of trammel nets have been always set in those parts of the bay, the difference cannot be very material.

By the 5 & 6 Vict. c. 106. s. 7. it was forbidden to set trammel nets except between sunset and sunrise. In Kenmare Bay this regulation was never observed, but, recently, an order was received by the Coastguard directing them to carry out the law, and consequently
11,970. many of the nets that were found set in the daytime were seized. The effect appears to
42,183. have been detrimental to the fishermen, and to have roused their feelings against trawl-
42,218. ing; in seeking liberty for themselves they endeavoured to restrict the liberty of trawlers. Various suggestions were made to us with a view to enable the trammels and trawls to work on the same ground, namely, that the trawls should be prohibited working in the night, and that the trammels should be confined to the night; that the trawlers should have a part of the year given them, and the trammels the rest; and, lastly, that the ground should be divided between the two. But as there was no unanimity upon any one plan, and as no general rule could be adopted, we believe it would be better to leave the bay open, permitting the trammel fishermen to fish when and where they like, subject only to the chance of losing their nets if they set them on the smooth ground. We think there is no good reason for maintaining the regulation as to setting trammels only at night.

Complaints of the same nature were made to us by fishermen on the north-east coast of England, who had been in the habit of setting bratt nets (a species of trammel net) for turbot, a practice which they have been compelled to discontinue in consequence of trawling.

The case of Dingle Bay, on the west coast of Ireland, well exemplifies the important practical difficulties which may arise from the clashing of the interests of other fishermen with those of trawlers. The Anascaul fishermen in that bay, have been accustomed to set long lines and trammels, by the aid of which they caught a considerable quantity of fish. Trawling was introduced in 1848, and in 1852 there were six or seven trawlers at work; but in consequence of the complaints of the long-line fishermen, and the violence which they used, an inquiry was held by the Irish Fishery Commissioners, and a byelaw was passed prohibiting trawling within a line which cut off about half the bay. The Anascaul men gave us the following explanation of this byelaw:—"The reason this byelaw was passed was that the trawlers were taking 43,612.
"away our trammels and our nets. There was a dispute with us one day, and we went 43,670.
"on board one of the trawlers and took his nets, and let the boat go adrift." The trawlers assert that this line, in fact, cut off from them much more than half their trawling ground, which in this bay, in consequence of the rough bottom over a great part of it, is very limited, not more than six miles by four outside this line, and ten miles by five within it. In consequence of the gradual increase of the number of trawlers, and their complaints of want of ground, a second meeting was held by the Commissioners in 1862, and the prohibition against trawling within this line was repealed; and it is of this repeal that the Anascaul men, who are given to line, or spilliard fishing, and herring fishing, complain. They state that they have been accustomed to catch a large number of soles on the ground above the line of prohibition; and that they have been obliged to abandon this ground through fear of having their lines carried away, and to set them on rough ground 43,564.
where the trawlers could not work. Consequently, the trawlers catch the fish which the line fishermen would otherwise take, and, further, they frighten the herrings and hake from coming up the bay.

On the other hand, the trawlers say that there are times of the year when they cannot fish the lower ground, owing to the strong gales, that they have doubled their earnings since they were allowed to fish above the line, and that if it had not been for the permission to trawl above the line, during the last two years, many of the fishermen would have been in the workhouse. They themselves leave off trawling at the end of May, and for some weeks take to fishing for herrings and cod, of which they have had good takes of late years.

In conclusion, we cannot think that any injury has been done to the line fishermen, beyond taking from them the exclusive right of fishing, which the byelaw virtually gave them above the line of prohibition. We do not find that any lines have been actually carried away by the trawlers, but this may be because the line fishermen have taken care to set them on ground where the trawlers cannot work their trawls. It may be that the ground on which the lines are now set is not so profitable; but, as we cannot believe that the line fishermen ever took soles and other flat fish which the trawlers chiefly take, in any quantity, it is obviously the interest of the public that the trawlers should fish on this ground, provided they do no permanent injury to the fishing, and of this there is no evidence. There appears to be a natural division of the ground here, as at many other places, between the two classes of fishermen, the line fishermen taking the rough ground, the trawlers working on the smooth ground.

There is, however, some reason for sympathy for the Anascaul fishermen in this, that they had been led by the byelaw of 1852 to look upon the ground within the line of prohibition as set apart for their own exclusive benefit. To repeal it at once for the benefit of another class of fishermen, apart from the question of general utility, must naturally appear harsh and unreasonable to fishermen, who are not apt to look to the advantage of the general public, or to balance their own losses by considerations of a more extended policy. These are objections to the repeal of the byelaw. To re-enact it would not, we think, be advisable, as so doing would raise the same kind of arguments in favour of the Dingle men. And, indeed, it is a strong argument against any such local prohibitions, that they are likely to create ideas of vested rights and class prejudice among fishermen carrying on different modes of fishing, and to favour the impression, that the opposite interests of classes of fishermen will be considered rather than the interest of the public in the permanent supply of fish.

2. *Complaints against Trammel-nets by Line Fishermen.*

On some parts of the south and west coast of Ireland, where trammel-nets are much used by fishermen and small farmers residing along the coast, complaints are made against them by the line fishermen. Such were prominently brought to our notice at Dungarvan, and were urged upon us by a large body of line fishermen, who appeared before us by

Counsel. A consideration, therefore, of the merits of their case will go far to determine the question generally along the coast.

It is clear that for many years past the line fishery of Dungarvan has been on the decline. In 1843 there were 80 fishing boats carrying from six to eight men each, engaged in hand-line and long-line fishing. At the present time there are only 25 boats, with from four to six hands each. The fishing population was represented to us as greatly diminished, and the boats and gear as in bad condition, none of the boats having been built since 1843; and, from our own observation, we can fully testify that the appearance of the fishermen and their boats bears out their representations of impoverishment and decay.

The Dungarvan fishermen complain greatly of the falling off of fish, mainly hake, and attribute it to the increased use of trammel-nets by the fishermen of Ring, a village near the entrance of Dungarvan Bay. Their complaints are of old date, and so long ago as in 1849 a byelaw was passed at their instance, by the Irish Fishery Board, prohibiting the use of any trammel-nets in a portion of Dungarvan Bay marked out by certain points; forbidding also the setting of them athwart, or within 200 yards of, any boat moored for the purpose of line-fishing; or at any time, except between the hours of three in the afternoon and nine in the morning during the winter months, and five in the afternoon and seven in the morning during the summer; and directing also the use of buoys or floating boards, on which the name of the owner should be inscribed, for every train of trammel-nets.

It is alleged by the line fishermen, and, indeed, admitted by the trammel fishermen, that these regulations are scarcely, if at all, observed. The use of buoys is unknown, and it is stated that the nets are often left out for days together, their owners only taking them up in the morning for the purpose of securing the fish, and setting them again at once. But though the byelaws have been thus habitually disregarded, no prosecutions have taken place.

The complaints of the line fishermen are—that the trammel fishermen scare away the fish that would otherwise come up the bay; that they obstruct their fishing by setting nets round their boats when they are moored for line fishing; that trammels are a destructive and wasteful mode of fishing, many of the fish being eaten by other fish of prey when in the nets, and those that are taken being not so good for food as those caught by the line; and, lastly, that the trammel fishermen do not observe the byelaws.

The Dungarvan fishermen themselves have never been in the habit of using the trammel-nets, which have been employed only by the fishermen of Ring. The number of men engaged in this fishery was represented to us as having greatly increased within the last few years, and, at the present time, there are 20 boats, each with six men, occupied
41,066. in it. They are also employed in trawling, line fishing, and seine fishing, and are rapidly increasing in prosperity and adding to their boats and gear.

They deny that the hake have fallen off, and allege that they have had large takes of
40,561. this fish within the last year; and, certainly, the increased number of trammel-nets is evidence that they have not been found to be unprofitable. The nets are set in from 6 to 15 fathoms of water at from half a mile to five miles from the shore. They are often set within short distances of one another, and those that are inside or nearest the shore are said to be as likely to take fish as those further out. The Ring fishermen allege that it often happens that they take large quantities of hake with the hook-and-line, when they have not been able to get any in the trammel-nets; and that, on the contrary, the trammel-nets are often successful when none can be caught by the hook. They admit that the fish caught in the nets are not so good as those caught with the line, in conse-
41,094. quence of some of the scales being rubbed off, but they affirm that when the fish are salted there is no difference to be observed between them. They deny that their nets scare the fish away from the coast, but admit that they kill the fish that would otherwise come to the hook, and say that the only way in which they interfere with the Dungarvan
41,066. men is by cheapening the price of fish; and, as it is a subject of complaint by the Dungarvan fishermen that the price of fish has declined of late years, there appears to us
40,470. to be much ground for this statement. They further deny that trammel-net fishing is wasteful, there being little loss, except when the nets are left out, in consequence of bad weather.

In conclusion, we cannot think that there is any ground for interfering with the trammel fishing. Much of the impoverishment and decrease in numbers of the Dungarvan fishermen appears to have arisen from the effects of the famine and the subsequent emigration. They admit that the young men have all gone away, and that
40,007. the old men who are now left are not equal to the work of long-line fishing, and are,
40,603. therefore, obliged to confine themselves to hand-line fishing. "They are old men now.

"The young men have all gone away. I do not think you would find a dozen men "here in a fit state to go aboard a vessel to engage in the long-line fishing." 39,996.

We see no reason to doubt that if the fishermen of Dungarvan were to prosecute their fishing with the same energy and enterprise that the Ring men exhibit, and were ready to turn their hands to any mode of fishing that appears at the time to be most profitable, instead of adhering to the old mode of fishing, they would meet with the same success as the Ring fishermen. The byelaws of 1849 were passed to meet some of their complaints, but as no attempts have been made to enforce these byelaws, it does not appear to us that any further regulations would be likely to be useful.

3. *Complaints against Drift-net Fishermen on the part of Pilchard Seine or Circle-net Fishermen.*

Formerly, the pilchard fishery on the coast of Cornwall was entirely carried on by seine-nets worked from the shore, and it was therefore only when the shoals of pilchards came into the bays, where alone these nets can be used, that any fish were caught

Of late years, however, a very considerable fishery by drift-nets, of the same description, and nearly of the same size and mesh as are used in the herring fishery, has grown up. The result has been that a much more continuous and regular supply of fish is caught, and the produce is, in general, supplied to the markets and sold fresh through the country, while the take by the seine-nets being irregular, and often in immense quantities, is mainly salted and exported to the Mediterranean and other markets.

The seine fishermen, at many places along the coast, complain of the drift fishermen for interference, alleging that by setting their nets in and outside the bays, they break up the shoals of fish and prevent them coming into the bays, and also that the drift-nets when set in the bays prevent the proper working of the seine-nets. 22,067-8. 22,637-9. 24,215. 24,227.

They ask that the drift fishermen shall be prohibited from setting their nets within a greater or less distance of the shore. What that distance ought to be is in dispute between them, some thinking that the drift-fishermen should be prohibited coming within three miles of the coast, others that they should only be restrained from coming into a less depth than 15 fathoms of water in bays where the seines are worked. 22,074. 24,248-51.

In former times, there was an Act of Parliament prohibiting drift-fishing within a league and a half of the coast of Cornwall, but the Act, if not repealed, has been obsolete for many years past, and no prosecutions have been attempted under it. At St. Ives, a local Act regulating the pilchard fishery prohibits drift-fishing within 1,000 fathoms of the shore to the extent of about three miles along the coast. It is admitted that this regulation is much infringed by the drift-fishermen during the night-time, and no complaint is made of their doing so, so long as they do not set their nets within the ground used by the seine-nets in the daytime before sunset. 24,752. 24,967.

24,970. Have you found any injury result from fishing during the night-time?—No; except in the morning when we are ready to put out. The drift-boats may hardly have got clear and away, but have been drawing their nets as we go down. I recollect once or twice that the drift-boats have been enclosed in our seines; they have been fishing within the limits of our stems, when we have enclosed the fish and the drift-boats with all their materials. We never conceive that if they fish close in-shore in the night-time that it is really an infringement of the Act.

24,971. The seine owners have no objection to the drift-men fishing close in-shore in the night-time?—No, we never consider that that does us any injury, because we ourselves cannot work at night.

On the part of some of the drift fishermen of St. Ives the following evidence was given, tending to show that the restriction, so far as it prohibits fishing within the regulated distance, operates hardly upon those who do not disregard it:—

24,988. As we understand, that part of the Act has never been enforced. Have any of your acquaintances or friends ever been brought up for driving in the stems during the night?—I do not know of anyone about here who has been fined, but they have threatened to bring them up. I do not know whether they have a byelaw upon the subject.

24,989-90. You never heard of anybody being really brought up—No, except for being there at anchor.

24,958. Would you feel it any hardship if you were kept 1,000 fathoms outside the stems; or would it be a matter of any consequence to you?—No; we manage our fishing in the night, and not in the day.

24,959. Then it would not make much difference?—No, if they let us have the night.

24,960. You do not feel it any grievance?—No, if they let me have the night to drift where I like; but I should not be bound to keep outside for 1,000 fathoms in the night-time. Very often I could get a good night's work within that distance, when if I were obliged to go further off I should get nothing.

24,961. Do you feel you are prohibited, as the law now stands, from going in within 1,000 fathoms in

the night-time?—I am told that I must not do that; the Act of Parliament tells me that I shall not come within 1,000 fathoms.

24,962. Have you acted upon that; have you always kept outside for 1,000 fathoms?—I have been afraid to go in the drift fishery, although many times we might have done much better by going in.

24,963. Do you think that a good many of the fishermen do set their nets within 1,000 fathoms at night?—Yes, and within 100 fathoms of the shore too.

24,964. What you base your opinion on is this clause in the Act of Parliament: "And be it "enacted, that, from the said 25th day of July until the 25th day of December in any year, no person "shall fish for any hook fish, or throw or lay any boulter or ground-tackle for taking fish, or "make use of any trawling net or any other net not belonging to and lawfully in use in the pilchard "seyne fishery under this Act within the distance of 1,000 fathoms from the shore within the limits of "any of the six several stems and stations in this Act mentioned; and that every person offending herein "shall for every such offence forfeit any sum not exceeding the sum of 10*l*." Is that what you are referring to?—Yes; I am afraid of going within that distance for fear I should be fined.

On the part of the drift fishermen at other places, any interference, by prohibiting them from setting their nets within certain distances of the shore, was most earnestly deprecated, as they deny that their nets prevent the fish coming into the bays, or frighten or break the shoals. Dr. Couch, of Polperro, well known for his scientific inquiries into the habits of fish, speaks as follows on this point:—

21,456*a*. But, as a matter of fact, do you agree with the opinion expressed by the seine fishermen that drifting breaks the shoal of fish?—I do not believe that it does. I have seen the shoal of fish within half a mile of the land, visibly rippling upon the surface of the water; I have seen the drift-net fishermen cut across that shoal, and I have seen the pilchards on the lee side just as perfect. They must have gone under or over, but without being stopped at all by the shooting of the nets.

The fishermen further state that as their fishing is mostly confined to the night-time, and that of the seine fishermen to the daytime, there is little interference possible between them.

The following evidence represents fairly the feelings of all the drift fishermen who gave evidence before us:—

23,006. Do you agree with the other witnesses that any regulation which required you to keep a certain distance away from the shore would be injurious to the interests of the drift-net fishermen?—Yes, I do. Upon one occasion I was fishing for four weeks successively in our bay with a fleet of drift-boats. There were fish enough for all of us without fishing on Saturday nights or Sundays. There the fish remained all the time for four weeks.

23,007. Could those fish have been caught by the seine-nets?—Yes, some of them; but we can take them when the seine-nets cannot; and if we were kept outside for any distance, at such times, for instance, as when the weather is stormy, we should be ruined and brought to the union. We depend upon the fishing for our living, while the great majority of those who go with the seine-nets are landsmen, such as farm labourers, mechanics, blacksmiths, tailors, and shoemakers. We are fishermen solely, and have nothing else to depend upon. I have no wish to interfere with the seines. I have frequently hauled in my nets because I did not wish to come into contact with them, and I have gone by the seines when I have seen a shoal of fish, and have not shot my nets, because I was afraid of getting into contact with them. When we have strong weather we are glad to get in under shelter of the land, and it would be hard to prevent us from taking the fish there when we cannot go out further. If we are prevented from coming within a certain distance of the land it would be ruinous to us. We have no desire to interfere with the seiners, and if we go where they cannot use their seines we think we go a sufficient distance. If we are obliged to go further out it would ruin us all. At Mevagissey all the men depend upon the drift-fishing.

Upon consideration of these statements, we think there is no necessity for any legislation upon the matter. We quite allow the importance of entire freedom from interference to the seine fishermen, when large shoals of fish set into the bays; yet, looking to the fact that their fishing is carried on by day, while that of the drift fishermen takes place by night, and that, consequently, the time when interference can take place, is at most, during the hour or half-hour before sunset, when the drift fishermen are setting their nets, we think the arrangement of any difficulties may safely be left to the forbearance of the fishermen themselves. Any attempt to lay down limits within which the drift fishermen should not be allowed to fish would operate injuriously upon the drift fishing, (of which a considerable amount takes place at times within a short distance of the shore,) without any certain advantage to the seine fishermen.

4. *Complaints against Seine and Circle Nets by Drift Fishermen.*

We have dwelt, at some length, upon this matter of complaint by the seine (or more properly circle-net) fishermen of Cornwall against the drift fishermen, because of the light which it throws upon another subject of controversy, namely, the circle-net fishing (or "trawling," as it is there called,) of Loch Fyne.

"Trawling" for herrings was introduced in the West of Scotland about the year 1838. Previous to that time, drifting was the only established and recognized mode of taking

herrings, and as such had all the prestige and interest engaged in protecting it, which, in Cornwall, was enlisted on behalf of seining. In consequence of the complaints of the drift fishermen "trawling" was prohibited by Act of Parliament in 1852; and as it was found that this Act was evaded, and that this mode of fishing was still carried on, a further and more stringent Act was passed in 1860, which effectually put a stop to it. We have already dealt with the general question whether "trawling" is a destructive mode of taking herrings; we discuss now only that part of the question which turns upon the alleged interference of herring "trawlers" with drift fishermen, a subject the exact converse of that which has just been dealt with in respect of the Cornwall pilchard fishery.

The objections urged against herring trawling by the drift fishermen under this head are twofold:—

1. That the trawl nets disturb and disperse the shoals of fish, breaking them up so that they do not unite again, but leave the loch and return to the open sea.

2. That the two kinds of fishing cannot be carried on together in narrow waters, as the trawlers drag their nets over the drift nets and foul them, thus causing confusion and loss.

1. On the first point the following evidence was given at Inverary on behalf of the drift fishermen:—

52,629. The second objection contained in the petition from the fishermen of Inverary is that the trawl-net breaks up and separates the shoals of herring and drives them from their usual spawning grounds. What is your opinion upon that point?—It is still my opinion that it does so.

52,630. Does the trawl-net do that more than the drift-net?—Yes, it is only natural to suppose that it does.

52,631. If they were in equal numbers fishing would the trawl-nets break up and separate the shoals of herring more than the drift-nets?—Yes; one trawl-net would hurt a body of fish more than a hundred drift-nets.

52,632. Can you give us any reason for that?—The trawl-net takes whatever wing of the fish it gets around; it takes the whole wing with it. It breaks up the main body of the fish, takes an entire wing, and frightens and scares away the rest. It does not continue in the same course which it was making before its progress was intercepted by the trawl-net.

52,633. The shoal of herrings, in your opinion, does not continue on the same course?—No, I think not.

52,634. Where do they go?—They turn back.

52,635. If you have your nets set in a certain part of the loch, and there is a space between the end of your nets and the shore in which it is possible to use a trawl-net, suppose that the trawl-net in coming round takes the end of the shoal in the way you have mentioned and frightens away the rest of the shoal, would not the herrings be driven against your drift nets?—That was sometimes the case. Sometimes the fishermen who were working with drift-nets got a very good fishing while they were near those who were trawling.

52,636. Was that of frequent occurrence?—No, it was very seldom; sometimes they would come into the drift-nets after they were scared away by the trawl.

52,637. Where could they go if they did not find their way into your nets?—They were frightened away and would turn back.

52,638. But you say that the drift-net boats would be in a thick close body all around the place?—Yes.

52,639. Then if you were in that thick close body all around the fishing grounds, where could the herrings go after they were scared away, as you state, from the trawl-nets?—I do not know.

52,640. Suppose there were 500 or 600 boats upon the ground where the herrings were; that would frequently be the case, would it not?—Yes.

52,641. And they would cover an average space of three or four miles in breadth?—Yes.

52,642. Then suppose that there was a little space left between the shore and the end of your drift nets that could be fished by the trawlers with their circle-nets, if those circle-nets had the effect of disturbing and breaking the shoals of fish, would not the result be that the herrings would be driven against your drift nets?—No.

52,643. Then where would they go; I want to understand what would become of them?—The trawl-net would break the shoal, frighten the fish, and they would go away.

52,644. But where would they go?—They would go to the bottom.

52,645. In that way would they get away altogether?—Yes.

52,646. How?—The bottom is deep and they could swim across, our nets being above them. They would have different ways to go.

The theory thus propounded was not only denied by those who advocated the use of trawl-nets, but was itself suggested as the result of the use of the vast quantity of drift-nets set like walls in every part of the loch.

53,508. Do you admit in any way that the system of trawl-net fishing has a tendency to break the shoals of fish when they are entering the loch?—No, I don't. I don't concur in that statement at all.

53,509. You are aware that such a statement has frequently been made?—Yes; that has been alleged several times.

53,510. But you have never seen anything of that sort yourself?—No. I can prove that the drift nets do more damage than trawling.

53,511. In what way?—If the herrings are coming into Kilbrannan Sound there may be 200 boats going out with 20 or 30 pieces of net in each boat, and they shoot these trains early in the evening and break the shoals in such a manner that they return to the open sea. I believe the drift-net is the chief instrument that ever breaks the shoal and not the trawl-net; the trawl never did any injury in that way.

We believe that there is as little ground for the one theory as for the other; they are both equally matters of conjecture. From our own experiment in working a trawl-net for herrings in Loch Fyne, we should rather come to the conclusion that the only fish which are effectually scared are those which find themselves enclosed in the net without any prospect of escape.

2. As to the second point:—It is asserted by the drift fishermen that, during the herring season, the number of drift-nets at work, particularly in the upper part of Loch Fyne, which is very narrow, is so great that every part of the loch is practically covered, and the trawl cannot be used without danger of fouling the drift-nets. It must be recollected that in Loch Fyne both the trawl-nets and drift-nets were in use simultaneously, during the night-time, so that there was not the same justification for non-interference as in Cornwall, and there was the further difference, that, in Loch Fyne, the trawl was occasionally used as a circle-net, in deep water. It was only, however, when the fish were not to be found near the shore that the deep water was resorted to, as it was found that much of the fish escaped in consequence of the net not touching the bottom of the loch.

On this point the following evidence was given before us at Inverary:—

52,569. The trawl is a thing which is drawn through the water with violence, and if there were any person fishing with a drift-net at the time a trawl-net was being used the trawl-net would necessarily destroy the fishing.

52,570. There can be no necessity in the case; the trawl-nets would not destroy the drift-nets if they kept clear of them?—Any net that is drawn through the water must come in contact with a net lying still on the top of the water.

52,571. The drift-nets are all marked with buoys?—Yes, they are.

52,572. Would not a trawl fisherman in trawling a circle-net keep clear of the drift-net fisherman?—No, I think it is impossible that he could keep clear of the drift-nets.

52,573. Would it not be possible for the trawl fishermen to go to such a position as would enable him to make a circle and keep clear of the drift-nets?—The drift-nets are so close to one another that if I were fishing with a trawl-net before I could draw the net out of the way I should be foul of some of the trains.

52,574. In the lower part of the loch where there are waters that are shallow and not so confined would you be able to find room between the drift-nets and the shore to make a circle with the trawl?—At times that could be done, but not always.

52,575. But in the upper part of the loch you say that that is not so practicable?—No, it is not.

52,576. Then in the whole of Loch Fyne there is no part except the upper part of it that could not be fished with the trawl-net thoroughly, missing no portion all the way along?—The trawl might do well in the upper part of the loch, but the place is so narrow that the drift-nets could not work at the same time the trawling was being carried on.

52,577. The whole of the upper part can be fished with drift-nets?—Yes.

52,578. The trawlers would not fish as well in the upper part as in the lower part of the loch?—No.

52,579. On account of the drift-net fishermen?—Yes.

52,580. There is more room for them in the lower part of the loch?—Yes; there is no room for them at all in the upper part of the loch when the drift-nets are there. The drift-nets will take the whole breadth of the loch.

52,581. Then the first objection you have stated to us is that in the upper part of the loch it would be impossible to use the circle-net without fouling the drift-nets?—Yes, that is my opinion.

52,582. But that objection would not hold good in the lower part of the loch?—No.

52,583. What is your next objection?—We consider that the trawl-net and the drift-net will not work together in any place on this coast; we have tried it often and have got our nets destroyed so frequently that we consider that it will not do at all to have both kinds of fishing going on at the same time. We must do away either with the drift-net or the trawl-net; they cannot work in the same waters, the drift-net and the trawl.

52,584. I thought you stated in answer to a previous question that in the lower part of the loch it may be done, in the shallower bays to which the drift-net fishing does not extend?—Yes, it may be done at times.

52,585. Why do you say "at times?"—Sometimes the drift-net fishermen shoot their nets so close in-shore that it is impossible for the trawlers to trawl inside.

52,586. You mean that the drift fishermen do not leave the trawlers sufficient room to trawl?—Yes.

52,587. You go close in-shore?—Yes.

52,588. How close in-shore do you go?—We go so close to the shore that we get in water which is only the depth of our nets, and it would be impossible for the trawlers to trawl inside of us without injuring their nets or ours.

52,589. Not unless it was in a very shallow bay?—The nets they use are as deep or are fully deeper than ours, and they could not work inside of us. We have to shift our ground at the time that trawling is going on, and we leave the ground to those who are engaged in trawling.

52,590. Did you do that if there was a good fishing at the time?—Yes, we were obliged to do so, even supposing we knew that there were plenty of fish to be got there.

52,591. Why did you do so?—Because we have suffered so much in consequence of the trawlers coming in contact with our drift-nets.

52,592. What interval ought there to be between the drift-nets and the shore, so that it would be possible to work without getting foul of the drift-nets; what space of room ought there to be left?—I cannot say that, but I know that as a general rule they have from 200 to 400 yards in connexion with their trawls. They draw their trawl-nets over that length and sometimes more, and that is a long space.

52,593. From 200 to 400 yards?—Yes.

On the part of those advocating the use of the "trawl," it was alleged that whatever arguments of this kind could be urged against permitting trawling in the narrow waters of the upper loch, and in the Kyles of Bute, they do not hold good in the more open waters of the lower loch, and that there, at least, the two systems might be carried on without any fear of confusion. With respect to the upper loch, they further stated that there are many parts along the shore between points, where the drift-fishermen cannot set their nets for fear of their being dragged along the bottom by the tide and torn, and that in these places it would be practicable to use the "trawl;" and further, that it was not to their advantage to use the "trawl" where there was any prospect of fouling the drift-nets, that consequently the two systems might be safely permitted.

The following evidence taken at Tarbert expresses their opinions on this head:—

53,559. You say as a practical fisherman that the two systems of fishing, trawling and drift-net fishing, could be allowed to go on without any obstruction the one to the other?—Yes; both could be wrought simultaneously if the parties were agreeable, but they don't want us to go up Loch Fyne.

53,560. Do you want to go up?—It does not matter much, but I might be compelled to go if I could get nothing here. In such a case as that we might like to go up.

53,561. Would it be serious hindrance to your industry as fishermen if you were prohibited from going up Loch Fyne as a trawler, and were permitted to trawl in the wider waters?—That would depend on an early season. If we realized a certain sum of money and made good wages by it we should not notice it; but I don't think there would be any injury in allowing us to go up Loch Fyne, because I think both systems of fishing may be allowed to go on easily.

53,562. Your mode of fishing and the drift-net fishing could go on together if you were allowed to fish in the middle of them?—We don't require to fish in the middle of their drift-nets.

53,563. Did you not sometimes make your circles in the middle of their trains of drift-nets?—I never saw it done.

53,564. Have you never seen trawl fishermen fishing among the trains of drift-nets?—I have never done so. It would be to our disadvantage to do so.

53,565. It would be to your own disadvantage?—Yes; we should get entangled with them and get nothing.

53,566. If you were excluded by law from doing so it would be no hardship upon you?—No.

53,567. That would be a reasonable thing to do?—Yes; because it is for our own advantage to keep clear of the drift-nets. It is impossible that you can drag the trawl right over the drift-nets, and in such a case we should get nothing at all.

53,568. You agree with the previous witnesses, that going out to trawl in deep water would be an exceptional thing?—Yes; it is for our advantage to keep near the shore, and when we can get herrings there we always capture more than we could get by going out into the Channel.

And again—

53,512. Did you find, as a trawl-net fisherman, that your best takes were got close to the shore?—Yes, always.

53,513. It was only an exceptional case when you went into the deeper waters to fish?—Just so. Occasionally when the fish were surrounding the shore we got very good takes, but we did not find much if we were obliged to go into the middle of the Channel.

53,514. When you went out into the deep water you got among the drift-net fishermen?—No, generally for our own interest we kept clear of the drift-net fishermen.

53,515. But did you not frequently fish among them?—No, very seldom, because we always wanted an open berth for ourselves.

With respect to the lower and more open part of Loch Fyne, we feel no doubt that trawl and drift fishing may be safely permitted at the same time. With respect to the upper part of Loch Fyne and the Kyles of Bute, there may be difficulties in keeping order among so large a number of fishermen collected together in a comparatively narrow space, and holding very opposite views upon the merits of their respective modes of fishing; but, apart from the question of police, we see no reason why both modes of fishing should not be permitted. It is perfectly clear to us that there are times when the "trawl" will take fish, when none can be caught by the drift-net. This was constantly urged upon us by those who are in favour of the "trawl," and we had proof of it in our own experience; for, at a time when there had been very bad fishing with the drift-nets for many weeks, notwithstanding that the loch, as the fishermen asserted, was full of herrings, we took in two hauls of a "trawl" 9600 herrings. The hauls were made very near to where several drift-nets were set, whose average take during the same night was not more than

250 per boat. On the other hand, it was admitted that it sometimes happened that the drift-nets were successful in taking fish when none could be taken in the "trawl."

In making a comparison between the two methods of fishing, circle-net fishing and drifting, whether for herrings or pilchards, we cannot but come to the conclusion that each is, in its proper place and time, the more effective. When the fish are collected together in shoals near the shore, or in water of such depth that the circle-net can be properly worked, there can be no doubt that it is, by far, the most expeditious and cheapest mode of taking the fish. On the other hand, in deep water, and under many other conditions when the seine cannot be worked, there is equally little doubt that the drift-net is the better engine. If, as we believe, one of the chief objects of fishermen should be to take fish in the most expeditious and cheapest manner, then each of the methods of fishing now considered should be permitted and encouraged as much as possible, and neither should be protected at the expense of the other.

5. *Complaints by small Pilchard Seine-net Owners against large Seine-net Owners.*

22,800–940. At Mevagissey, a fishing village in Cornwall, where the pilchard seine fishery is carried on, a custom has grown up and has been acted on by the owners of large seine nets, which is much complained of by some of the fishermen.

It appears that the extent of coast which is suitable for pilchard seining is very limited. The ground is divided into 12 parts, or "stems," and the custom is that any owner of a seine net of a certain size who is first on the spot with his net, boats, and crew complete, has a right to take the first cast, when a shoal is observed coming into the bay, and to exclude any smaller nets. There are eleven seine nets of the recognized size of 160 fathoms in length; but there are also four seine nets, owned by fishermen in the village, of less than the recognized size; and these small seine owners complain that they are forcibly prevented by the men employed by the large seine owners from shooting their nets, and are practically excluded from taking their share of fish, because they happen not to have capital sufficient to purchase a full-sized seine net. The owners of the small seines fully recognize the importance of order and quiet during the fishing, and appear not to have insisted on their right to fish there, fearing that, if a disturbance was created, the fish might not be caught at all.

22,916. The danger of the matter is in its leading to a rupture on the water. When the fish are in they do not tarry very long, they must be caught there and then, or not at all. We had a little catch last year; if we had missed that opportunity in consequence of a disturbance on the water, our season would have been gone, and we should have done nothing for the rest of the season.

22,917. Unless the seine owners will come to some legitimate arrangement I think we must apply somewhere or other. We would rather, if possible, that the question should be settled in a peaceable manner. All we want is to know what we are to do. I think the seine owners have placed themselves in a false position in the matter.

They have no wish to do away with all regulations in the bay, but they desire to be placed on the same footing as the large seine owners.

23,877. On the part of the large seine owners it is alleged that it is in the interest of the public that the small seines should be excluded; that the large seines are able to enclose a much larger quantity of fish, and that, if a large shoal comes into the bay, the small seines would only be able to take a few of them, whereas the large seines would take them all; that any attempt to shoot the large seines outside the small ones would lead to confusion and to disputes, and that probably both would be prevented from taking fish.

The large seine owners further assert that if the small seines were put on the same footing as the larger ones, the effect would be that a large shoal of fish would frequently escape because the small seine would not be sufficiently large to take it. They instance the case of St. Ives, where the fishing is regulated by a local Act, which, among other things, determines the size of the seines and excludes any below the legal size from the right to a turn.

Appendix No. 35.

We have only to observe upon this complaint of the Mevagissey men, that the regulation they complain of is only a customary one and has not the force of law. Therefore the small seine owners have a right, at law, to shoot their smaller nets without interference, and, if interfered with, they may appeal to the law to protect them. At the same time, we cannot but say that if any regulations are desirable and ought to be legalized (as indeed the small seine owners seem to admit), then it would not be unreasonable to require that seines should be of a certain size to entitle them to the benefits of such regulations.

6. *Complaints against Foreign Fishermen.*

A considerable number of French fishing boats come, every year, to the east coast of Scotland and England to prosecute the herring fishery; they leave their own ports about the middle of July and proceed to Peterhead; as the season advances they move further to the south; in the middle of August they are off the coast of Northumberland, and later in the season off Scarborough, and as far south as Flamborough Head; but they return to France by the end of October, and do not wait for the late fishery off Yarmouth and Lowestoft.

Their boats are of a large size, averaging nearly 50 tons, and considerably larger than those used by any of the fishermen along our coast. The following is a return of them for the last two years:—

Ports.	Vessels.		Crews.		Tonnage.	
	1864.	1863.	1864.	1863.	1864.	1863.
Gravelines - - -	1	2	12	30	30	69
Boulogne - - - -	101	100	1,727	1,706	4,143	3,976
St. Valéry, S.S. - - -	7	3	115	48	310	134
Le Tréport - - - -	—	1	—	15	—	34
Dieppe - - - -	11	19	218	429	661	1,133
St. Valéry, E.C. - - -	6	8	139	214	386	513
Fécamp - - - -	27	31	700	782	1,810	2,053
Total - - -	153	164	2,941	3,224	7,340	7,912
Difference in favour of 1863 -	11		283		573	

Average number of men to each vessel in 1864, 18.
Average tonnage of vessels, 48.
The difference between 1863 and 1864 is due to several boats not having returned from Newfoundland in time to take part in the fishing.

They cure their herrings on board their boats on the Scotch system, after gutting the fish, and return to France as soon as they have got a full cargo; the same boat will often make two or three voyages in the course of the year.

We found the English fishermen were generally under the impression that the French herring fishery off our coast is still sustained by heavy bounties. This is no longer the case; but there is still, under the French commercial treaty, a duty upon fish imported, which, though it is not so high as to prevent large quantities of fish of the finest qualities —such as soles and turbot—being dispatched from Billingsgate to France, yet operates as a protective duty on their herring fishery. Formerly it was very common for the French boats to buy herrings of the English fishermen in order to secure the bounty, and we presume it would still be worth their while to do so in order to save the duty; but they are now closely watched by the French cruisers, who accompany them to our coast during the herring season and endeavour to enforce observance of the Convention.

By Articles LXXXV. and LXXXVI. of the Convention they are forbidden to come within the three-mile limit, except from stress of weather, or when driven by contrary winds, or tides, or other causes independent of the will of the master. When within the limits they are not only forbidden from fishing themselves, but are also forbidden to send their small boats to fish even outside the limits, and they must return outside the limits as soon as the causes shall have ceased which obliged them to come in. They are further forbidden to use our ports for the greater convenience of their fishing operations.

And by Article LXXXVIII. of the Convention, French fishermen, when within the fishing limits of this country, are to comply with its laws and regulations respecting the prohibition of fishing on Sunday.

Complaints are made by the local fishermen on the north-east coast against these French boats for non-observance of these regulations. It is stated that they come within the three-mile limit in considerable numbers whenever the herrings are to be found there; the complaints are most frequent on those parts of the coast, such as that of Northumberland, where the herrings are often nearer the shore than in other parts. It is difficult to ascertain what proportion of the take of herrings on these shores is within the three-mile limit; but we think that it is about one-third. There can be little doubt that these complaints are well founded, notwithstanding the efforts made by our cruisers. In a report of the commander of the French squadron in the year 1864, to be found in "Journal de la Marine," p. 435, we find it stated:— 313. 568–9. 1350. 2015. 2191. 2450–1. 2657.

"At the commencement of the season there was a long continuance of easterly winds, and the shoals of herrings kept sufficiently far from the land to prevent our fishermen going within the international limits; while the English cruisers were confined to watching our men. But, unfortunately, the wind after a time

changed to the west, the herrings dispersed, and our fishermen, thinking that they were to be found nearer the coast, shot their nets within the limits. Many of them were arrested and taken to Berwick, where the magistrates imposed fines varying from 6*l.* to 10*l.* In the space of ten days 14 vessels were taken for contravening the Act; but it must be allowed that these arrests were all well deserved, and the English officers acted with great moderation in the face of the complaints of their own fishermen."

This report confirms the evidence we received on the coast, and we may take it for granted that, whenever the herrings are to be found within the three-mile limit, the French boats will fish there, unless prevented by the presence of a cruiser. On dark nights it is very difficult for a cruiser to ascertain the limits or the boats which are infringing the rule; and it must necessarily be that the carrying out of the law will always be imperfect so long as the shoals of herrings are, at times, to be found only within the limits.

In many places complaints are made against our Government for not sufficiently guarding the coast. It is suggested that guard-boats should be attached to the cruisers which should be employed in patrolling the line of limit, and it has been contended that at least six gunboats are required to protect the fisheries from the Tyne to the Tweed.

635-7. 1150.

The complaints made against the French appear to have their origin not so much in jealousy against them for securing a large share of the fish, as in the inconvenience and annoyance which they create among the local fishermen, owing to the size of their boats and the weight of their nets and other gear. The following evidence embodies the views of the fishermen generally along the coast:—

567. Do you find that the French fishing boats interfere much with your fishing here?—Yes, they interfere with us very much.

568. Do they come in-shore as close as three miles?—Yes, they come in a great deal closer than that; they get in sometimes where they have no water for their nets to float, and they frequently come in with us. We have had our nets down in the water in the fore part of the night when they have come in and shot their nets over them. They have barrels and kegs for floats while we have only bladders, and if their nets come into collision with ours, as theirs are by far the strongest and heaviest, we are under the necessity of giving way to them or we should lose our nets altogether. If there is a strong wind they run down much faster than we do, and then they are sure to come into collision with us, and we are under the necessity of making way for them.

569. Do you agree with the previous witness that of the total quantity of fish caught off this coast the French fishing boats take more than one-half?—No, I do not think that; their nets do not suit the fishing as well as ours. They are heavier and clumsier nets. We have a lighter net, which is more pliable, and we can catch more fish in them; they are under the necessity of having such nets as suit their vessels. If they had nets like ours they would not pay them at all, they would not stand the knocking about they would get in such large vessels. Ours take one-half more the quantity of fish which theirs will.

572. With regard to the French nets, can you tell me if they sink deeper than yours?—I do not think that their nets are any deeper than ours, but at any rate they use a good deal thicker twine. If their nets were similar to ours they would be much more pliable than they are, and they would catch more fish. The evil at present is that their nets being so much stronger, if we come into collision, as we have done very often, we either have our nets driven away or we have to haul them up at a place where there is plenty of fish. If we do not do that the consequence would be that we should either lose our nets altogether or have them fearfully torn. We are therefore forced to give place to them; we dare not come into collision with them. On the other hand, they do not mind anything with regard to us. We do not want to come into collision with them, but they do not care at all what they do with regard to us.

573. You mean that, you being in much smaller boats, they are stronger than you?—I am not speaking of the boats, but the nets. We have bladders for floats while they have barrels, and if our nets come into collision with theirs we are sure to come into collision with their barrels, which will go right through our nets, while our bladders do not interfere with their nets at all.

574. Then I presume that when you see them coming down upon you you have to move?—Yes, we have to move away and give place to them.

575. Does that occur very often?—Yes, and they know better where the fish are than we do. There are certain signs for the fish; they come in where they know the fish are, and when they get in we are obliged to go out of the way of them.

576. Do you think that if the French fishing boats were entirely prohibited within the three-mile limit there would be any considerable increase in the supply of herrings to our market?—I think that if they were kept within their limits it would do us a great deal of good. If the law had been adhered to we should not have suffered so much, and I think it would be very much to our interest to enforce that regulation now. Unfortunately hitherto the limit has not been at all attended to.

Complaints of this nature are equally made against the French outside the three-mile limit, and also against the heavy boats that come from Yarmouth and Lowestoft to fish off these coasts; and it was to meet these objections that the regulations as to decked and undecked boats were made.

Another source of complaint against the French boats is, that they do not observe the regulation as to Sunday. The practice of the local fishermen is to fish only five nights in the week; they do not go out on Saturday or Sunday night, and they complain of the French for fishing on both. It is difficult to say what is the legal effect of the regulation, whether, under it, a French boat fishing beyond the three-mile limit on Sunday night could be prosecuted. But whatever its meaning, it is, we think, somewhat unreasonable to expect that the French boats shall be idle beyond the three-mile limit on any night when the fish are abundant in the water round them. They are prohibited using our ports

1178. 2467.

except for stress of weather; they cannot come to shore to attend a place of worship; what are they to do if they are not to be permitted to fish as usual? We do not find that our own trawlers, who go out to the North Sea for weeks together, make any distinction as to Sundays and week days; and it is hardly to be expected that the French will be more observant of the Sabbath. A further complaint against the French is, that they gut their fish out at sea, on the grounds where the herrings are to be found, and that the quantity of gut thrown into the sea attracts predacious fish, which drive the shoals of herrings away. It is, however, to be observed, that as the Frenchmen are prohibited coming on shore or to within the three-mile limit, it is not possible for them to dispose of their offal except by throwing it overboard. 568-9. 2457. 2461. 3164.

It is worthy of consideration whether the prohibition of fishing within the three-mile limit to the French boats does not greatly tend to create many of the evils complained of. From being prevented using our ports in any way for the purpose of their fishing, the French are obliged to use very large boats, such as are fit to keep the sea in all weathers, are able to carry provisions for the crew for a lengthened voyage, and to hold an amount of cargo which will make the voyage profitable. If they were permitted to come within the limit and to make any use of our ports, it is probable that they would prefer a smaller class of boats and lighter gear; that they would come in every day, as the local boats do, and only go out for the night; that they would gut their fish on shore; that much of their fish would be sold fresh, and that a trade would grow up in supplying their boats, to the benefit of the villages along the coast; and that, lastly, a better feeling would grow up from habits of intimacy between the fishermen than can exist at present. We believe that there is no fear to our fishermen from competition; they are better fishermen in every sense of the term. In fact, it was represented to us by a deputation of fishermen from Scarborough (by far the most important fishing station on the coast frequented by the French) that it was the universal opinion of the fishermen, that if the French would concede to them the privilege of their markets by admitting English boats and allowing them to fish within their limits, the same privileges would be conceded to the French, with great advantage to our men. "We could doubly outfish "them. We could, as far as we are concerned, give them anything and everything. "We could let them come right alongside of us, so long as they did not commit any "depredation." 60,940. 61,008. 61,036.

It is abundantly clear that our fishermen of all classes, but especially trawlers and herring fishermen, would be greatly benefited by being permitted to take their fish into French markets free of duty. The railroads have opened up markets for fish throughout the continent which we believe to be at present very ill supplied.

7. Thus it appears:— See p. xviii.

a. That fishermen of different classes may, and do to a considerable extent, interfere with one another.

b. How far the intervention of the state is needed, however, in order to see justice done and to keep the peace, is a very difficult matter to decide. The prohibition of one method of fishing, on account of its interference with another, could only be justified on the ground that the latter method yielded a far more valuable supply of fish to the community than the former, which is not shown to be the case in any of the complaints which have come before us.

In reviewing generally these complaints of one class of fishermen against another, we have assumed that, *primâ facie*, one class of fishermen have as much right to use the sea for the purposes of their trade as any other. No one has any vested right, or exclusive interest, justifying him in so occupying the sea as to prevent others from fishing in his vicinity. For example, if a line fisherman shoots a line of three miles, he has no right to say that no trawler shall work near it, so as to run the chance of working over it, or destroying it; he lays his line at his own risk, with the knowledge of the danger, and subject only to a remedy at law, if it can be shown that the trawler wilfully, or negligently, damaged it.

If it should be clearly shown that a given mode of fishing is by far the most profitable, but is impeded, or prevented in consequence, of another and less profitable mode of fishing being carried on over the same ground, there would arise a case for legislation. But if two or more modes of fishing are carried on at the same time, subject to certain unavoidable losses arising from their mutual interference, unless it be clear that a larger supply of fish would be acquired by restricting the use of one of them, it is the interest of the public that no such restriction should be made.

It has not been proved to our satisfaction that to prohibit, even partially, any of the modes of fishing complained of would result in a greater take of fish of all sorts in other ways. We are therefore of opinion that even granting a certain loss to drift, line, trammel, and other fishermen, it would not be advisable to make such prohibitions, even for certain times or in certain limited places.

The third and last question which we have to consider is:

WHETHER ANY EXISTING LEGISLATIVE RESTRICTIONS OPERATE INJURIOUSLY UPON ANY OF THE SEA FISHERIES.

In dealing with this question we shall, in the first place, give a summary account of the practical working of the existing laws relative to Sea Fisheries; subsequently, we shall consider whether any of the existing laws are superfluous, defective, or operate injuriously.

I.—*A summary Account of the working of existing Laws.*

The Fisheries are either unrestricted or restricted; and, under the latter class, we shall have to consider those which are the subjects of general rules, and those which are limited by special regulations.

i.—*Unrestricted Fisheries.*

Upon certain kinds of fishery no restrictive legislation has taken place. There is none, for example, upon line-fishing. Any person is at liberty to catch fish, with hooks, when, where, and how he pleases; unless, indeed, he is limited by Art. LVII. of the Convention Act, which prohibits the setting of fishing implements in any place where herring or drift-net fishing is going on.

There is no restriction upon the size of the mesh, or the moke, of the net used in drifting for pilchards; nor upon any net used in sprat-fishing or lavidnian-fishing; nor in respect of the time of the year at which these fish may be caught.

There is no restriction upon the taking of any kind of shell-fish (save oysters), except so far as such may be involved in the regulations affecting nets and other fishing implements generally.

ii.—*Restricted Fisheries.*

1.—*General Restrictions.*

Modern legislation in respect of the Sea Fisheries of ENGLAND may be said to date from the Convention entered into between this country and France in 1839. That Convention appears to have had its origin in the complaints which were reported by a Committee of the House of Commons on British Fisheries in 1833, of the injury committed by French fishermen fishing within the British limits, during the breeding seasons of fish; and in quarrels which arose in 1837 and 1838 between the Channel Islands fishermen and those of France.

The objects of the Convention are stated to be threefold:—1. To define the limits of exclusive fishery all round the coasts of both countries; 2. To provide regulations for preventing collisions between the trawlers and the line and drift fishermen in the seas lying between the coasts of Great Britain and of France; 3. To settle the limits of the oyster fisheries between Jersey and France.

The ninth Article of this Convention provides that British subjects shall have exclusive rights of fishing, within three miles from low-water mark, along the coasts of the British Islands; and French subjects similar rights on the coasts of France. In bays not more than ten miles in width, the three miles is to be measured from a straight line connecting the two headlands.

The eleventh Article provides that, with a view to prevent the collisions which now, from time to time, take place on *the seas lying between the coasts of Great Britain and of France*, between the trawlers and the line and long-net fishermen of the two countries, a commission shall be appointed to prepare a set of regulations for the guidance of the fishermen of the two countries in the seas above mentioned.

In pursuance of this article a code of regulations was drawn up and confirmed by the respective Governments in June 1843; and was, on this side of the Channel, embodied in an Act of Parliament, dated August 1843, which is popularly known as the Fishery Convention Act. The regulations agreed on by the two countries and scheduled in this Act embrace many other subjects than those contemplated by the Convention. Of the eighty-nine articles, the first five lay down the limits of the exclusive fisheries and define the boundaries between Jersey and the coast of France.

Appendix No. 35.

Articles VI. to XV. provide for the numbering of all British and French fishing boats.

XVI. to XXV. regulate trawl-fishing, defining the size of mesh, the length of beam, the weight of head irons and ground rope, and the distance trawlers may fish from herring boats.

Articles XXVI. to XXXV. regulate the herring fishery, declaring that it is to be free all the year round, but defining the size of the mesh, the shooting of nets by boats of different sizes, and the distance at which these boats are to remain apart.

XXXVI. to XL. regulate mackerel fishing.

XLI. to XLIV. regulate fishing with bratt and trammel-nets.

XLV. to XLIX. regulate oyster fishing, establishing close-time from May 1st to August 31st, and limiting the size, below which oysters may not be taken, at $2\frac{1}{2}$ inches.

L. to LIV. define the flags, lights, &c. which are to be carried by fishing boats.

LV. to LXII. contain other rules respecting nets, upon what may be considered matters of police, such as forbidding fishermen to take up the nets of others.

LXIII. to LXXVII. describe the means for enforcing the above regulations by the cruisers of the two countries and the summary proceedings before magistrates.

LXXXV. and LXXXVI. provide that the fishing boats of the one country shall not approach nearer to any part of the coasts of the other country than the limits previously defined, except under certain specified circumstances.

LXXXVII. forbids the shooting of herring nets earlier than half an hour before sunset.

LXXXVIII. deals with fishing on the Sabbath-day.

LXXXIX. gives instructions to the commanders of the cruisers of each of the two countries.

Many of these regulations will be referred to at length, when the restrictions affecting the different modes of fishing to which they relate are brought under review.

The third section of the Act enables the Board of Trade to appoint persons to enforce execution of the provisions of the Convention Act and Articles. These persons are authorized to board any British fishing vessels; and if any nets are found in contravention of the Convention Act and Articles, they are to be forfeited, and the possessor to be fined.

The fourth section enables the Board of Trade to make byelaws for the more effectual performance of the said Convention and articles.

The sixth section enables the Queen in Council to suspend the operation of the said articles and of the Act, or such of them as to them shall seem fit, with respect to the fisheries on the coast of Ireland, so long as such fisheries shall be carried on exclusively by the subjects of Her Majesty; and also, with the like approval, to make such byelaws as to them shall seem fit for enforcing the said articles and this Act on the coast of Ireland, as soon as the same shall be frequented for the purpose of fishing by French fishermen.

On the 23rd of August 1843 an Order in Council was passed under this last section to suspend the Act with respect to the fisheries on the whole of the coasts of Ireland so long as such fishery should be carried on exclusively by the subjects of Her Majesty. As foreign fishermen have never been known to fish off the coasts of Ireland, the Convention Act has, in virtue of this Order in Council, had no operation on that coast.

A question has arisen upon the meaning of this Act. What are the limits within which it operates?

Upon this point difficulties have occurred, chiefly in connexion with the oyster fisheries, which will be hereafter further considered. It is sufficient, for the present, to say that great differences of opinion have arisen among the legal advisers of the Crown, whether the Act has any operation within the three-mile limit from the shores of this country. The better opinion appears to be that it has not; on the grounds: (1) that the Act is penal, and is therefore to be construed strictly; (2) that the policy of the Act extends no further than the obligations under the Convention; (3) that, under the Convention, the obligations of this country extend no further than the enforcement of the regulations outside the three-mile limit. Within that limit, where no Frenchman may fish, there is no obligation whatever arising out of the Convention, but this country is entitled to carry out what municipal laws and regulations it pleases.

It has also been contended that the words in the Act and in the Convention "*the seas* "*lying between the coasts of Great Britain and France*" must be construed strictly, and do not, for example, extend to the seas on the east coast of England and Scotland, which do not lie geographically between the coasts of Great Britain and France. Combining these words, however, with the obvious intention of the Act to prevent collisions from taking place on the seas between the fishermen of the two countries, it would seem that such a contention is not well founded. Whether more remote parts, such as the seas in the Irish Channel, off the Isle of Man, and the west coast of Scotland, are subject to the operation of the Act, might seem more doubtful; but the power given to the Crown in Council to suspend the operation of the Act upon the Irish coasts, warrants the conclusion that the Act is in operation in all the seas round the British Isles, even where they

cannot be said to lie between the coasts of Great Britain and France, and where no French fishermen habitually fish. If this contention be right, there is, in Great Britain, a code of rules minutely regulating the boats, nets, modes, and even times of fishing of nearly all orders of fishermen who fish beyond the 3-mile limit of the coast, and of bays of less than 10 miles width; but, with certain possible exceptions to be mentioned below, there is no law which in any way affects the fishermen who fish within the 3-mile limit. They may fish with what boats, or gear, or mesh, or wherever, or whenever, they please, without interference of the law; if, however, they use their nets beyond that limit, and they are such as are contrary to the provisions of the Convention Act, they are liable to have them seized. For example, the Convention Act forbids the mesh of a trawl net to be less than one inch and three-quarters from knot to knot, with the plain intention of preventing the taking of fish below a certain size; so that if a trawler, using a mesh of only 1 inch from knot to knot, take care to confine himself to bays and creeks where, it is alleged, the destruction of small fish does most harm, he is free from prosecution under the Act, and his nets cannot be seized; but if he goes beyond the limit into deeper water, where he is probably less likely to take young fish, he is liable to be fined 10*l.*, and his nets may be seized and condemned.

It is also to be observed that the treaty is only between France and England. Belgian and Dutch boats may, in the absence of any treaty engagements between their countries and our own, fish when, or where, or in what manner, they like. They may even fish within the 3-mile limit of this country, subject to the laws which affect our own fishermen.

Appendix No. 34.

However, it should further be stated that there is an Act, 1 Geo. 1. c. 18, which appears to be unrepealed, except so far as it relates to the supply of fish to Billingsgate Market, by 9 & 10 Vict. c. cccxlvi. Under this Act it is illegal to use any trawl net, drag net, or set net whatsoever, for the catching of any kind of fish (except herrings, pilchards, sprats, and lavidnian), which has any mesh or moke of less size than three inches and a half from knot to knot. Such nets shall, by warrant of a justice, be publicly burnt.

By the seventh section of this Act it is forbidden to bring to shore in England, sell, or expose to sale, or exchange for any other goods, any unsizeable fish; that is to say, brill and turbot, of less than 16 inches; brill or pearl, 14 inches; codling, 12 inches; whiting, 6 inches; bass or mullet, 12 inches; sole, 8 inches; plaice or dab, 8 inches; flounder, 7 inches—subject to fine or imprisonment, and forfeiture to the poor of the parish of the unsizeable fish. We cannot ascertain that this Act has ever been enforced; but complaints were made to us by the Bideford fishermen of placards having been put up in the town calling attention to this Act, and of an intention to enforce it. They stated that they were deterred from fishing with their drag-nets and trawls during the best part of the winter, in consequence of this notice; and that it would be entirely useless for them to fish with a net of a mesh so wide as that prescribed, which, as they say, would let a fish of 6 to 10 lbs. pass. Indeed we may remark that if the Act of Geo. 1. were enforced, every description of sea trawling and shrimp fishing would be practically prohibited.

No board, or public office, whose special duty it is to make any regulations or bye-laws respecting the fisheries, exists in England. Orders in Council have, in some cases, been made for the enforcement of, or in restriction of, the Convention Act; the Customs officers have, under that Act, the power of seizing nets; and the Admiralty have, from time to time, placed cruisers upon various parts of the coast to enforce observance of the Convention on fishermen, both British and French, who frequent it for the purpose of fishing. The cases which come most within their cognizance are such as arise out of the herring fisheries on the north-east coast of England, where considerable numbers of French boats resort every year to prosecute the herring fishery, and where, at times, disputes arise between the fishermen of the two countries; and in the English Channel, where, at the instance of the French Government, the regulations with respect to the oyster fishery have been strictly enforced since 1852.

The Acts which have an especial or exclusive reference to the Fisheries of Scotland are the 48 Geo. 3. c. 110 (1808), which regulates the British White Herring Fishery, and, under which, the Board of Fisheries in Edinburgh has control and direction of the herring fisheries of Scotland and those parts of Northumberland where herrings are packed in barrels for the purpose of receiving the Government brand under the provisions of this Act; and the 14 & 15 Vict. c. 26, 23 & 24 Vict. c. 92, and 24 & 25 Vict. c. 72, which prohibit seining (called trawling) for herrings, and establish a close-time for herrings on the West Coast of Scotland.

These Acts bear almost entirely upon the Herring Fishery, and will be discussed below.

In IRELAND the legislation affecting the sea fisheries has been very different to that either of England or of Scotland. For many years past, the Commissioners of Public Works have had an almost absolute authority to make regulations with respect to the different modes of fishing carried on there. These powers were given to them in pursuance of the recommendations of a commission which inquired very minutely into the state of the Irish fisheries in 1835, and which made a voluminous report in 1837. The Act 5 & 6 Vict. c. 106, founded on this report, gave to the Commissioners of Public Works the superintendence of the sea and river fisheries of Ireland. It empowered them to appoint inspectors of fisheries, and a subsequent Act (11 & 12 Vict. c. 92.) added these inspectors to the Board under the title of inspecting commissioners. A recent Act having taken from the Board the superintendence of the river fisheries, there is at present only one inspecting commissioner, Mr. J. R. Barry, who was one of the commissioners of 1835, who has ever since been inspector of the sea fisheries, and to whom we are indebted for much and valuable information.

The 91st section of the Act of 1842 gave exceedingly large powers to the Board of Works. It enabled them to make byelaws and regulations for the more effectual government, protection, and improvement of the fisheries of Ireland; to repeal or vary the same, and to impose any conditions and restrictions for the regulation of sea fisheries and the preservation of good order among the persons engaged therein; or in relation to the times and seasons at which the taking the several species of fish shall commence and cease; or respecting the times and places or the manner at and in which any trawl or other nets or engines may be employed in the said fisheries The Board may further define the size of the meshes of such nets; or may prohibit them, or any practice whatsoever tending, in the opinion of the Commissioners, to impede the taking of fish, or to be in any manner detrimental to the sea fisheries.

Under the authority of this section, a considerable number of regulations and byelaws affecting the fisheries have been made by the Board, some few of which have subsequently been repealed. The policy which has been pursued by the Board in exercise of these powers is best explained by the following extracts from their annual reports. In their first report, speaking of the Act 5 & 6 Vict. c. 106, they say:—

"By a reference to the Act it will be perceived that the principle adopted has been one of non-interference by Government; to make the provisions as definite as possible, to the effect that the public in general might have the power of causing it to be enforced, the intervention of the Commissioners being only admitted as an authority for deciding matters that are of a nature varying according to localities or circumstances, and that consequently could not be defined in the Act."

Upon the next page the Commissioners say:—

"The introduction of trawls and trammel nets has for years been regarded with great jealousy by the fishermen along the coast of Ireland, who felt inclined to continue their long-established habits, or were unable to pursue the new system. Preceding Acts of Parliament so far conceded to their views as to admit of trawls and trammels, to be used as an exception, that is, in such places only as might be formally authorized. The present Act, however, is founded on a different principle, and makes the restriction on any mode of fishing in the sea the exception, and consequently admits of these implements being used everywhere, excepting where they shall be formally prohibited by a byelaw. The consequence has been applications to the Commissioners from several of the principal fishery communities on the coast to apply restrictions to their employment, or rather to prohibit them altogether in those several localities. Thus there have been applications against trawls from Dublin and Galway, and against trammels and trawls from Kinsale and Dungarvan. In all these cases we have, by ourselves, or our inspectors, made every necessary inquiry on the spot, usually calling a meeting by public notice for the purpose of obtaining information, and having the matters discussed; and the general result we have come to from the information so collected, and from printed documents, and more particularly from the Report of the Commissioners of Inquiry into the State of the Fisheries in 1836, from whose opinion on this subject we see no reason to dissent, is:—1. That the greatest caution should be used in applying restrictions on any mode of fishing in so vast a field as the open sea, and that it should only be done on very certain grounds; 2. That the extent to which the trawls and trammels are used prove that they are productive and profitable modes of fishing, and consequently should meet with encouragement on public grounds; 3. That the arguments put forward for an absolute prohibition of them are founded on prejudices and vague theories, not by any means confirmed by facts; 4. That, although it would be greatly to be regretted that the extension of the use of these or any other improved modes of fishing should injure the interests of any other class, by increasing the produce and lowering prices, particularly if that should be a poorer class, such reason cannot be admitted as an argument for their being suppressed. At the same time, there are cases where we have considered that a certain degree of restriction ought to be applied, such as of small bays of comparatively shallow water, or the narrow entrances of deep inlets; the indiscriminate use of trawls or trammels in such confined spots might tend to prevent the fish from congregating in these sheltered spots (where they can be most easily followed), and partially from entering them; it would be therefore tantamount to reducing by so much the available extent of coast, while at the same time a restriction in such places is of no great consequence to the parties using those implements, and has a great incidental advantage of protecting, for a great extent, the poorer class of line fishermen who have only small boats, from the injurious effect of trawls on their lines.

The use of trawls in Dublin Bay has been restricted, on this principle, by byelaw, which, having been made the subject of appeal to the Privy Council, was confirmed. Arrangements are making for fixing the limits for trawls and trammels at Galway, Kinsale, and Dungarvan, in a similar manner."

In the second annual Report of the Commissioners, they say:—

"We have been frequently urged to restrain particular modes of fishing, on the plea of their being injurious, whereas, in general, it was their effective results and novelty that occasioned the complaints against them; the objections chiefly arising from the competing interests of persons or communities who had habitually pursued different and probably inferior systems; and occasionally originating in some old-established prejudices or assumed peculiar rights."

At page 5 of the same Report, the Commissioners further remark in reference to trawling and trammel nets:—

"We have still had occasion to resist the opposition to trawling and trammel nets; but the applications against them are much less frequent, arising from a wearing away, in consequence of the discussions that have taken place, of the impressions against them, even in the minds of the fishermen themselves, and from a growing experience that they are really a valuable resource, and do not effect the injuries imputed to them. To show how far prejudice against a novelty may be carried, we received the most pressing remonstrances from the fishermen in the Bay of Galway, because a single yacht had occasionally fished with a trawl in those extensive waters; drawing an inference that because the ordinary fishing season happened to be bad during the year of the introduction of this trawl, the evil was created by it. We hope to see these modes increased, with every confidence that it would be attended with the same success as in other countries, where experience proves them to be advantageous to the undertakers, and in no degree injurious to the breed of fish. We have thought it right, however, to apply limits to the trawling, in some cases, on application, confining it in bays to the outer parts; so that the numerous class of the poorer fishermen, with small boats, who cannot go far from land, or to the open sea, may follow their business without the risk of having their lines carried away by the trawls, a frequent cause of ill-blood in this country."

Again, there is a passage in the Report of the Commissioners for 1849, in which they say, in reference to trawling:—

"We have exercised the restrictive powers entrusted to us very sparingly, and chiefly in cases where, without real detriment to these modes of fishing, it proved desirable for the preservation of peace and order that limits between conflicting parties should be defined. In questions of this and a similar nature connected with the fisheries, where the array of facts upon which to found just conclusions is very limited or little known, and, consequently, ample scope is afforded for conjecture and imagination, we find a proportional diversity of opinion, and a degree of heat and determination, so that it is very difficult for a body acting impartially on general principles to preserve consistency and resist the impetuous claims of contending parties in different localities. But we have been supported in the course we have adopted, apart from the natural history portion of the question, by a consideration of the vast extent and illimitable supply of the ocean, and by the experience attained in all fishing communities for a number of years, at the same time that there is a total absence of proof of a reduction of fish taken, but, on the contrary, evidence of its positive increase in proportion as these destructive modes of capture are more used."

The practice pursued by the Board in making byelaws is stated to be as follows:—

35,302. "No byelaw is made except upon the application of parties interested in the fisheries of the locality to which the byelaw is to refer. Upon such application, a meeting is called by public notice, an inquiry held, and the evidence of all parties taken,—this is the voluntary act of the Commissioners. If the byelaw is deemed necessary or advisable upon this public inquiry, it is framed according to the circumstances, printed, and copies deposited with the Clerks of the Peace for each county in which the byelaw is proposed to be enforced, and also with the Clerks of Petty Sessions for each district in which it is proposed to be enforced, and a notice of such lodgment is posted at the usual places for posting notices in each such Petty Sessions district. This lodgment and notice must be one month, at least, before the byelaw is submitted to the Lord Lieutenant for approval. During that time any party feeling aggrieved by the intended byelaw can appeal to the Lord Lieutenant in Council. If there be such appeal, the case is heard and determined by the Lord Lieutenant in Council, both parties, the Commissioners and the appellants, being represented. If there be no appeal, the byelaw is approved as a matter of course."

A list of the byelaws which have been made by the Board is given in the Appendix, No. 38. They are mostly prohibitions of trawling and trammel-net fishing in certain districts, and regulations as to close-time for oysters. The working and result of these byelaws have been considered already.

The Act of 1842 constitutes the coastguardsmen special constables for the purpose of enforcing the byelaws made by the Board of Works. The coastguard officers draw up, annually, for the Board, statements of the number of men and boats employed in the fisheries, and also short reports of the state of the separate districts, 38 in number, into which the coast is divided. Further, it has been usual for the inspector of fisheries to make a special report to the Board on the state of the fisheries generally; and these reports have been annually presented to Parliament.

Mr. Barry, on being asked to define the duties of inspector, or inspecting commissioner
37,014. of fisheries, says, "That is a difficult question to answer. We had, generally, to carry out "the directions of the Board; their policy was to do as little as possible, but to preserve "peace if possible. In urgent cases they held public meetings in order to ascertain the "correctness of statements made to them in memorials." He further states that he has not himself agreed with the broad principle of non-interference which was laid down by the Board.

"I have always urged, and so did my colleague, that it was our duty not only to act in cases such as are minutely detailed there, but to be on the alert in affording every species of encouragement for the promotion of the sea fisheries." 37,049.

"To be candid, I have at times considered that our department was a species of delusion. We were supposed to be the persons having charge of the sea fisheries of Ireland. Our duties, though strictly observed, according to the instructions given in the Act, were mistaken by the public. It was believed that we were to be the encouragers of the fisheries, and many persons, who perhaps felt that that duty would have devolved upon themselves as proprietors, looked to us as the parties whose duty it was to do that which we thought we had no right to do." 37,050.

We may next consider—

2. *Restrictions upon particular Fisheries.*

A.—Herring Fishery.

By the absence of any limitation by other Acts, and by Article XXVII. of the Convention Act, herring fishing is free all the year round on the coasts of England and Ireland.

In the Isle of Man, an Act of Tynwald prohibits herring fishing from the 1st of January to the 5th of July, within nine miles of the shore. But the regulation is not observed by the Manxmen themselves, and we ascertained that no authority in the Isle of Man would attempt to enforce the Act against strangers. 34,450–34,460.

Until within the last five years, herring fishing was free on all the coasts of Scotland during the whole year, as it is, at present, on the east and north coasts; but, in 1860, an Act was passed, in virtue of which it became illegal to catch herrings between January 1st and May 31st, on any part of the west coast south of the Point of Ardnamurchan, and between January 1st and May, 20th on any part of the west coast between the Point of Ardnamurchan and Cape Wrath.

The practical effects of the enactment of this close-time have been:—

1. To make illegal, and punishable by fine and imprisonment on the west coast of Scotland, that which is not only legal but is specially taken under the protection of a Government Board, on the east coast. Ardrishaig and Anstruther are within a day's journey of one another. Last spring a person in Anstruther might catch and cure any quantity of herrings; and, on his giving due notice to a Government officer, the latter would have been bound to inspect his cure, to see that his barrels were sound and of the right sizes, and finally to place an official stamp of approbation, (whereby the sale of the herrings abroad would be facilitated), upon all those which came up to a certain standard of cure. If his fellow-countryman at Ardrishaig had attempted to do the same thing, the boat in which the herrings came ashore and the nets by which they were caught would have been seized, and he himself might have been imprisoned and heavily fined. 26,524, 32,658, 32,737–32,750,

2. To reduce the population of some of the western islands to misery and starvation, while abundant food was lying in front of their doors, by preventing them from taking herrings. 32,976, 32,986, 33,316.

3. To destroy, or greatly impede, an important branch of fishery by preventing the use of herrings as bait for codfish. 26,524, 26,845, 32,741, 32,810,

4. To require the introduction of a special police, and to introduce a habit of smuggling and a spirit of disobedience to the law, among an orderly and well-disposed, though very poverty-stricken population. 32,976, 33,663. 32,907, 32,959, 32,976.

5. To produce all these results without a shadow of evidence to show that the enforcement of a close-time has a beneficial effect upon the supply of fish, or in any way promotes the public interest; though, without doubt, the close-time is exceedingly convenient for the curers, in its twofold effect upon the labour market and the herring market. 26,915, 32,334–5.

6. Finally, it may be greatly doubted whether the enforcement of close-time outside the lochs has not been illegal, so far as it may have been enforced against persons who did not take their fish into Scotch ports. If, as the section of the Convention Act excluding Ireland clearly contemplates, every portion of the sea which encircles the British Islands must be taken as lying, or interposed, between Great Britain and France, the provisions of the Convention Act apply to every boat fishing within those seas, and *inter alia* to the seas off the west coast of Scotland.

Now the Convention Act stipulates that herring-fishing is free all the year round, and it is therefore open to every French, or other foreign, fisherman to fish for herrings on the Scotch coast during close-time.

Furthermore, the close-time which is enacted for Scotland and the Scotch seas, whatever force it may possibly have for persons domiciled in Scotland, fishing within the limit of three miles from the coast, or bringing their fish into Scotch ports, cannot apply to Englishmen and Irishmen fishing beyond the limit. And thus the Close-Time Act is practically a prohibition to Scotch fishermen to do that which English, Irish, or foreign fishermen may do with impunity, so long as they do not bring their fish into Scotch ports.

To prevent the continuance of this state of matters, we felt it our duty, in November 1864, to make a representation to the Home Office, which was followed, in the ensuing session of Parliament, by an Act repealing the Close-time Act absolutely to the north of the Point of Ardnamurchan; and limiting close-time to the months of February, March, and April and a portion of May to the south of that point. Practically, therefore, there is, at present, a legal enforcement of a close-time only from the Mull of Galloway to Ardnamurchan Point, including the Firth of Clyde.

See Appendix No. 48.

In England, Ireland, and the Isle of Man there is no restriction upon the kind of net which may be used for taking herrings; indeed the 48 Geo. 3. cap. 110, s. 12, distinctly contemplates the use of various kinds of nets, but the mesh of any such net must not measure less than one inch from knot to knot along the line.

The like freedom obtained in Scotland up to the year 1851, but, by the 14 & 15 Vict. c. 26, the use of any net but the drift-net for the capture of herrings as made illegal; and greater effect to the prohibitory clauses of this Act was given by the more stringent Acts of 1860 and 1861.

Some of the practical results of these enactments would appear to have been contemplated by those who procured them, but not others.

What appears to have been intended was the putting down of that method of circle-net fishing, or seining, which is improperly termed "trawling" for herrings; a method of fishing by which, as we have shown above, young and active fishermen are enabled, with an expenditure of capital in boats and gear vastly less than that involved in drifting, to take great quantities of herrings, and frequently to obtain fish of a kind which cannot be procured in other ways, or under circumstances which preclude other modes of fishing.

What, in all probability, was not intended was the prohibition of sprat-fishing in the Firth of Forth. Such, however, was one of the effects of the Acts, and the result was great misery to the poor fishermen engaged in taking sprats which has only been partially alleviated by the relaxation of the Acts for this estuary within certain boundaries.

The details of the herring fishery are further regulated, at any rate theoretically, by the minute provisions of the Convention Act which are contained in the following articles:—

Art. LXXXVIII. Herring-fishermen, being within the fishery limits of either country, shall comply with the laws and regulations of the said country respecting the prohibition of fishing on the Sabbath day.

As fishermen of one country are, by the fifth Article, prohibited from fishing within the limits of the other at all, it is difficult to understand the need of a special prohibition for their fishing on the Sabbath. It is to be remarked that fishing outside the limits on Sunday is not prohibited by this article.

Art. LXXXVII. It is forbidden to herring drift-net fishing boats to shoot their nets earlier in the day than half an hour before sunset, except in places where it is customary to carry on this drift-net fishing by daylight.

Like the foregoing, this rule is very generally observed, and is considered desirable by the fishermen. We do not find it enforced.

Art. XXIV. Trawl-fishing is forbidden in all places where there are boats engaged in herring or mackerel drift-net fishing.

Art. XXV. Trawl boats shall always keep at a distance of at least three miles from all boats fishing for herrings or mackerel with drift-nets.

Art. XXVI. Whenever herring or mackerel boats shall commence drift-net fishing in any place whatever, the trawl boats which may be already fishing in such place shall depart therefrom, and shall keep at a distance of at least three miles from the said drift-net herring or mackerel boats.

Art. LII. It is forbidden to all boats to anchor between sunset and sunrise on grounds where herring or mackerel drift-net fishing is going on.

This prohibition does not apply to anchorages which may take place in consequence of accidents or any other compulsory circumstances, but in such case the master of the boat thus obliged to anchor shall hoist, so that they shall be seen from a distance, two lights placed horizontally about three feet (one mètre French) apart, and shall keep these lights up all the time the boat shall remain at anchor.

Art. LVII. It is forbidden to set or anchor nets, or any other fishing implement, in any place where herring or mackerel drift-net fishing is going on.

We cannot ascertain that these regulations have ever been practically attended to, or enforced. If carried out, they would favour drift-net fishing for herrings, or mackerel, as against all other modes of fishing but hand-line fishing and oyster dredging.

The construction of the words "engaged" and "drift-net fishing," in the above articles, would be of great importance if they were enforced. If boats are "engaged" in drifting during the night, is trawling not to go on during the day in the same locality, and *vice versâ*? And for a boat to be "engaged in drift-net fishing," is it sufficient that the boat should have shot a net, or must a shoal of fish be in the vicinity, or absolutely in course of being caught in the net? If the former be the true construction, as would appear from Article XXVI., boats with mackerel or herring nets could at any time force a whole fleet of trawlers to leave their ground, and great oppression might be exercised on the latter.

Art. XXIX. Whenever decked herring boats and undecked herring boats shall commence shooting their nets at the same time, the undecked boats shall shoot their nets to windward of the decked boats, except they should prefer going to leeward, to a distance of at least half a mile, to shoot their nets.

Art. XXX. The decked boats on their part shall shoot their nets to leeward of the undecked boats, unless they prefer going to windward, to a distance of at least half a mile, to shoot their nets.

Art. XXXI. When decked boats shall arrive on grounds where fishing is already begun by other boats, amongst which shall be undecked boats, the decked boats so arriving shall shoot their nets to leeward of the undecked boats, except they should prefer going to windward, to a distance of at least half a mile, to shoot their nets.

Art. XXXII. When undecked boats shall arrive on grounds where fishing is already begun by other boats, amongst which shall be decked boats, the undecked boats so arriving shall shoot their nets to windward of the decked boats, except they prefer going to leeward, to a distance of at least half a mile, to shoot their nets.

These regulations have never been observed, and most fishermen are ignorant of their existence. They appear to be intended to meet a substantial grievance which has frequently been brought before us, that the heavy decked boats drift faster than the lighter open boats, and so tend to get foul of the nets of the open boats; and, as they usually have stronger gear, to destroy that of the open boats.

Practically the regulations are not enforced; and, if they were, it appears to us that they would be either futile or mischievous. They are futile so far as they allow the decked boats to shoot within half a mile to windward of the undecked, and the undecked to shoot within half a mile to leeward of the decked boats, and thus to put themselves in the precise positions in which they are most likely to get foul. And they might be mischievous, inasmuch as the decked boats usually keep the sea while the undecked boats come out of harbour to their fishing grounds; so that it would be in the power of the former to exclude the latter from fishing within half a mile of any area they might choose to occupy, by simply taking up their position and beginning to shoot their nets just before the undecked boats came up. 30,306–8; 3188; 6286–94; 28,969–956.

Art. L. For the purpose of distinguishing, by day, drift-net fishing boats from trawl boats, both shall carry, at the mast-head, vanes, which shall be at least eight inches

(twenty centimètres French) in height, and two feet (sixty-one centimètres) in length.

The colours of these vanes shall be, for—

British trawl boats, red.
French trawl boats, blue.
British drift boats, white and red.
French drift boats, white and blue.

It is understood that the vanes of drift boats shall be divided vertically into two equal parts, of which the white shall be nearest to the mast.

Art. LI. It is forbidden to all other fishing boats to carry vanes similar to those mentioned in the preceding article.

Not one of these regulations regarding distinguishing vanes, or lights, is attended to by trawlers or by drift fishermen; nor are we able to discover that any Coastguard, or Naval, authority has endeavoured to enforce them.

In fact, so far as our inquiries have extended, all the regulations of the Convention Act which apply to drift fishing and trawling, except such as relate to the numbering of the boats, the fishing of French boats within the British limits, the Sabbath regulation, and the sunset regulation, are disregarded. And if the two last are attended to, it is not because they are enforced by authority as parts of the Convention Act, but because, in general, they agree with the desires and opinions of the fishermen.

The herring fishery in Great Britain, but not in Ireland, is further controlled, to a
26,364–8. certain extent, by a Board which sits in Edinburgh, called the "Board of British White Herring Fishery," which was constituted in 1808, by the 48th George III., c. 110.

The powers of this Board only extend to those localities in Great Britain in which a particular mode of curing herrings, called the "system of the white herring cure,"
26,080. obtains. This system is a mode of packing herrings, which have been previously gutted, in barrels with interposed layers of salt—so that the herrings are eventually preserved in a moist state, instead of being dried and smoked as red herrings are. The fish thus cured are in very great demand in Russia and Central Europe, and to a less degree in the United Kingdom.

26,073 The functions of the Board are, primarily, to superintend and regulate this branch of the export trade, by seeing that the measures used between the fishermen and the curers, and the barrels in which the curers sell fish to the foreign merchants, are of the proper size; by inspecting the herrings when cured, and attaching an official brand to all that come up to a certain standard; by attending upon the export of British white cured herrings to inspect them and ascertain that they are in proper order before exportation. In addition to these duties, the Board is expected to aid in the enforcement of the Acts of Parliament relating to the herring fisheries, for which purpose it employs police and a cutter, and is assisted by the loan of steam vessels by the Admiralty. It receives and restores lost fishery property, furnishes returns and statistics from Scotland and the Isle of Man; and, finally, it has to administer a Parliamentary grant of 3,000*l.* a year, for the improvement and building of fishery piers and harbours in Scotland only. The Board consists of unpaid commissioners, and is provided with a paid secretary, clerks, and fishery officers; two sergeants of police; nine fishery constables; the commander of a cutter, his mate and crew; and the engineers of the Board. This estab-
26,410. lishment has cost the country on an average about 11,500*l.* a year (exclusive of the grant of 3,000*l.*) for the last 50 years.

As a set-off against that cost, the fees which, since 1859, have been levied for branding
26,272. herrings, at the rate of 4*d.* per barrel, have been repaid into the consolidated fund. These fees were, in 1859, 2,644*l.* 12*s.*; in 1860, 3,865*l.* 4*s.* 6*d.*; in 1861, 4,422*l.* 9*s.*; in 1862, 5,801*l.* 12*s.* 4*d.*; and in 1863, 4,618*l.* 16*s.*

Thus it may be said that, at present, the actual cost of the establishment is nearly 7,000*l.* a year.

The original Act constituting the Board of British White Herring Fisheries gave it power over those persons who should, on any part of the British coasts, undertake to fish and cure according to the system of the white herring cure, and only over them. Nor have any additional powers been given since in regard to England; so that, at the present moment, the system of the white herring cure being practised only on the Northumberland coast, the jurisdiction of the Board, in England, extends no further. It appears

that the jurisdiction of the Board in England would be revived if, at any English fishing port, the system of British White Herring Cure were again practised. But, on the other hand, if any person should invent a method of curing herrings wet, different in certain particulars from that laid down in the Act, it is questionable if the Board would have jurisdiction over him and could compel him to observe its regulations. 26,080.

At present the practical working of the powers given to the British White Herring Fishery Board, so far as they relate to cured fish, is as follows:

The curer must give notice to the Board that he is going to cure; he and the fishermen whom he employs must use a particular measure for herrings and no other; he must use a particular size of barrel and no other; his stores must be open to inspection whenever the fishery officer thinks proper to examine them; if the fishery officer chooses he can open any number of the barrels after they are closed; furthermore, the merchant is obliged to report the quantity of fish he exports. 26,566–26,581.

In return for this inquisition, which no curer can escape, and to which no other branch of trade, except those concerned in excisable articles, is subjected in this country, the State does not necessarily get anything; the curer, if he pleases, not paying a single shilling to the Board. Nor does the export trade necessarily derive any profit from the supervision; so long as the barrel is of the right size, the herrings it contains may be putrid without the fishery officer having the power to condemn them. 26,567. 26,575 26,577.

But if the curer thinks it worth while to pay fourpence per barrel, then the fishery officer, supposing the herrings come up to a certain official standard of excellence, affixes a brand to the barrel.

We base the preceding statements upon the following evidence, given by the Honourable Bouverie Primrose, whom we have to thank, on this, as on all occasions, for the clear and valuable information which his long experience as Secretary of the Board enabled him to give us.

26,562. There are a series of operations performed by the authority of the Board which may be almost called registrative, such as the collection of statistics. Your officers are employed largely in that way, are they not?—Yes.

26,563. They register, as far as they can, the catch of herrings?—Yes.

26,564. What do you think of the utility of these statistics when they are collected together?—I suppose, as far as cured herring is concerned, you can have them collected with great accuracy?—Yes.

26,565. Does that apply only to fish that are branded, or to fish that are not branded also?—To both.

26,566. Have you the power of inspecting those that are not branded?—Yes, all cured herrings.

26,567. Can a man cure herrings on the coast of Scotland without their being inspected by some fishery officer?—No. He is obliged to give notice of cure.

26,568. Then it is not a matter of choice with him?—No.

26,569. Then the brand must be put upon his barrels if they are exported at all?—No; he can export as much as he likes unbranded.

26,570. Then what is the good of the inspection? If a man salts fish badly they are still exported?—He would get only a bad price for them.

26,571. But what can the Fishery officer do in the matter?—He can refuse to brand.

26,572. And that is all?—Yes.

26,573. All that the Fishery officers have is simply the power of inspection and refusing the brand?—And of seizing a barrel of herrings if it is not the full size, on account of its being incorrect in measure.

26,574. So that a man cannot export herrings unless the barrels are examined?—No.

26,575. But he can export any trash he likes so long as the barrel is big enough?—The more trash he exports the better pleased we are.

26,576. You cannot prevent him exporting any bad fish he likes?—No, not in the least. We have no wish to do so.

26,577. You think it brings the brand out better in contrast?—Yes.

26,578. Is a man obliged to send you a report of the quantity of fish he exports?—He is obliged to make a return of the quantity of fish he cures.

26,579. Whether he obtains the brand or not?—Yes.

26,580. What do you do if he does not make a return?—There are penalties.

26,581. What are they?—*5l.*, and refusal of the brand.

By an Act passed in 1851, as we have stated above, seining and circle-net fishing for herrings were prohibited in Scotland, and it seems to have been considered the duty of the Board of British White Fisheries to attempt to carry out the new enactment, which, however, proved to be insufficient for the purpose. Hence, in 1860, the Scotch herring fisheries were further restricted by an Act enforcing a close-time upon the west coast; and in 1861, still greater stringency was given to the legislation against circle-net fishing, while at the same time, the Act of 1860 greatly enlarged the powers of the Board in Scotland. To quote again from Mr. Primrose's evidence:

26,444. Are you aware of any subsequent Act which gives you larger powers, except those with regard to bounty? Was there any Act which gave you more extensive powers than were conferred upon you by the original Act?—Yes, the Act of 1860 does.

26,445. That Act has reference to the west coast of Scotland?—No, it has reference to the whole coast of Scotland.

26,446. What further powers does it give to you?—It gives the Fishery Board power to interfere with other fishings for the protection of the herring-fishing.

26,447. Will you be good enough to read the particular section which thus enlarges your powers?

—It is the fifth section of the Act, but both the fifth and sixth sections give enlarged powers. The fifth section says, "The commissioners may from time to time make such regulations as they shall "think fit for the more effectual government, management, and protection of the herring fisheries on the "coast of Scotland, and for the preservation of order among the persons engaged therein; and any person "who commits any breach or contravention of any such regulations shall be liable to have his boat "detained by the superintendent or any person acting under his orders, or by any officer of the fishery, or "by order of any sheriff, justice, or magistrate having jurisdiction under this Act, and shall be liable to a "penalty of not less than 5*l.* and not exceeding 20*l.* for every such offence." You see the clause gives them power to make "such regulations as they shall think fit," and then the sixth section particularly applies not to the herring fisheries but to other fisheries. It says, "The commissioners may on appli- "cation made to them, and after such inquiry as they shall think necessary, by regulations to be made "by them from time to time prohibit, on the coasts of Scotland and within such limits, and for such "periods as they may think fit, the use of any trawl, drag, or beam net which in the opinion of the said "commissioners is injurious to the spawn or otherwise to the herring fishery; and any person who "commits any breach or contravention of any such regulations shall be liable to a penalty of not less "than 5*l.* and not exceeding 20*l.* for every such offence, provided that this provision shall not in any "way affect any of the prohibitions or requirements of any of the recited Acts in so far as relates to "fishing for herrings." Now that clause I take it empowers the commissioners to interfere with beam-trawling for codfish.

26,448. Or for soles?—Yes, or anything, if the Board choose to exercise the power.

26,487. The powers given to the Board by the Act of 1860 are plainly large; and taken in conjunction with the coincident legislation on the subjects of close-time and circle-net fishing, and with agitation on the part of the fish curers and fishermen in favour of the former and against the latter, forced upon the Board a course of active interference with the fisheries on the west coast.

See statements by the Secretary of the Board of Fisheries, Appendix No. 44.

It would be unjust to the Board not to remark that all this additional restrictive legislation was none of its seeking. The evidence of the Secretary upon this subject is well worthy of attention.

26,555. You consider the natural action of the Board is restricted by these Acts of Parliament?—Precisely. The whole experience of the Board, and they have now had 50 or 60 years' experience, has all tended towards relaxing restrictions and liberalising legislation. I think that is the experience of the public servants of the Board, it is the experience of those officers who are really practically acquainted with the matter.

26,556. It is your own experience?—Yes, and that also of the higher officers of the Board.

26,557. Then the more narrow restrictions which have been imposed of late years have not been established at the suggestion or wish of the Board, but have really been enforced upon them *ab extra*?—Certainly, but then I must state that the opinion of the majority of the practical men engaged in the fisheries is the other way—it is quite in favour of restrictions.

26,558. Do you mean by practical men engaged in the fisheries, fish-curers or fishermen?—I mean both. There is a much greater number of fishermen in favour of restriction than against it, and the fish-curers are also in favour of restriction. The difficulty is to resist the desire for restriction which is felt by the fishermen.

And again—

26,515. You would feel in a case of that nature—when under pressure—that you had power to relax the regulations until you could obtain a change of the law?—Precisely so. In 1860, Parliament considered the question, but, instead of liberating made the Act more stringent than before.

26,516. But you do feel that in a case of emergency you have the power of relaxing the regulations and applying to Parliament to bear you out afterwards?—Properly speaking the Board has not that power at all; but they are the more prevented from assuming it as respects the Act of 1860 and the Act of 1861 by being most peculiarly circumstanced as towards those Acts. It must be borne in mind that the 14th and 15th Vict. cap. 26, which was the Act of 1851, and the first suppressive Act against trawling for herrings, had been relaxed by the Board, and the opinion of Parliament invited upon this relaxation by a liberative Bill in 1860. Parliament, however, had rejected this liberation, and instead of accepting the bill had converted it into an Act (the Act of 1860), with provisions more stringent than those of 1851. With such a decision by Parliament, it must be very doubtful whether the Board could take power to introduce relaxation upon the Act of 1860; and as regards the Act of 1861, it was even still more stringent than the Act of 1860, and was passed expressly to supply the deficiencies in stringency of that Act.

In consequence of the additional and invidious duties thus forced upon it by the Legislature, the Board was obliged to increase its expenditure by the addition of a body of fishery police.

With the semi-commercial, legislative, and police functions thus confided to it, the Board of British White Herring Fisheries unites another, that of administrators of a Parliamentary grant for the building and improvement of harbours and piers in Scotland. A summary of the work done by the Board in this capacity is to be found in the Appendix. For the next four years the whole funds at the disposal of the Board, for that time, are pledged to one port, Anstruther.

Appendix No. 44 (9).

B.—Mackerel Fishing.

Mackerel fishing is free all the year round, but by Art. XXXVII. of the Convention Act, the meshes of the drift-nets used for this purpose must be $1\frac{1}{6}$ inches from knot to knot; and the lower part of the drift-net must not be loaded with lead or stones (Art. XXXVIII.) Mackerel drift-net fishermen are required to lower all sails to show they have taken their berths (Art. XXXIX.); and they must keep three-quarters of a mile from one another in shooting their nets (Art. XL.)

C.—Trawling ; set and anchored Nets.

By the Convention Act (Art. XVII.), "Trawls shall be made with nets, the meshes of which shall be at least one inch and three-quarters (forty-five millimètres French) square from knot to knot along the line." Trammel-nets it also allows to be two inches from knot to knot, and it fixes the legal size of the mesh of bratt-nets at 4½ inches.

It makes no reference to shrimping, but Articles LV. and LVI. might perhaps be construed to prohibit any kind of net fishing, except such as are mentioned in the Convention Act and its schedule.

By the Convention Act (Art. XVI.), trawl fishing may be carried on, during all seasons, in the seas lying between the fishery limits which have been fixed for the two countries. And on these articles follow some others minutely regulating the size of the nets, beam, &c. As the length of the trawl-beam and the weight of the head-irons are regulated by the tonnage of the vessel, such of these regulations as restrict the beam of the trawl and the weight of the head-irons and ground rope, would have been mischievous had they ever been enforced; but we find that every part of the Convention Act which relates to trawling is, and has always been, a dead letter.

By the Convention Act (Art. XLIII.), all set and anchored nets are to have buoys, and are not to remain more than twenty-four hours in the sea without being taken up (Art. XLIV.) According to the view we have taken of the scope of the Act, these restrictions would not apply to the great majority of such nets, which are set within the limits.

D.—Oyster Fisheries.

The Articles of the Convention relating to oyster fishery will be considered below when the whole question of the oyster fishery comes under review.

E.—Local Regulations relating to other than Oyster Fisheries.

a. The working of the byelaws of the Irish Fishery Commissioners relating to trawling and trammel fishing has already been considered at p. xxxix.

b. Laws relating to Pilchard Fishing in Cornwall.

By an Act of Charles II., drift-net pilchard fishermen are not permitted to come within a league of the land, but it does not appear that this provision has ever been strictly enforced, at any rate of late years; and, at Mevagissey, the drift men would seem to have received a formal permission to fish within a mile of the land, except where seines were engaged. 21,426. 23,709. 24,109. 24,292. 24,300.

The seine fishermen have certain customs or agreements among themselves, in virtue of which a seine can hold one of the few fishing stations convenient for seining, (called a "stem" or "station,") on the coast only for 24 hours at once; and, in accordance with which, no seine-fishermen can hold a "stem" or "station" unless his net has a certain length and depth. The tendency of these rules is to keep the small capitalists from interfering with the larger ones; and whether beneficial, or otherwise, they are maintained by force, and much complained of by owners of small seines, but not authorized by the law on any part of the Cornish coast, except St. Ives. 22,643. 22,673. 22,904–22,907.

At this place, which is the seat of the most important seine pilchard-fishery, there is a local Act of Parliament, passed in 1841, which regulates the details of the fishery minutely. According to this Act every boat which can hold a stem must have a seine exceeding 160 fathoms in length and not less than six fathoms deep. The stems are carefully defined, and the order in which they are taken by the 247 seines in the town is settled each year, by private arrangement, before the fishing begins. The Act prescribes that, from the 25th of July to the 25th of December, no mode of fishing other than seine fishing shall be carried on "within the distance of 1,000 fathoms from the shore within the limits "of any of the six several stems and stations" mentioned in the Act, under a penalty of 10*l.*; and furthermore that no fishing boat, or vessel, other than the boats employed in the pilchard fishery shall anchor within the limits of any of the stems at a less distance than 1,200 fathoms from the shore, on any day between the 25th of July and the 25th of December in any year, under a penalty of 5*l.* Appendix No. 35. 24,741. 24,964. 24,960.

It was affirmed that the first-mentioned provision had never been enforced against drift men working at night, when the seines cannot work, but only against those who, fishing by day, interfered with the seines.

c. Local Regulations respecting Mussels.

15,173–15,199. Attempts have been made by the corporations of Boston and King's Lynn to regulate the valuable mussel fisheries of the Wash, but hitherto they have proved altogether abortive. The supply of mussels, however, on the Boston beds is said to be inexhaustible.

d. Regulations affecting the Fisheries of Estuaries.

The Thames Conservancy Board exercises a jurisdiction on the estuary of the river, and has an assistant river-keeper, whose duties are "to see after the fisheries from "Crowstone up to Thames Haven, in the mouth of the river Thames." This officer boards the boats, examines the nets to see if the meshes are of the prescribed dimensions, and that no unsizeable or unwholesome fish, cockles, or shrimps are taken, and has the right to seize such unsizeable or unwholesome fish in-shore. But it does not appear how far inland the jurisdiction of the Board extends.

61,044. 61,141. 61,164.

II.—*Are any, and if so what, existing Laws superfluous, defective, or injurious?*

1. The Convention Act.

We shall consider certain of the provisions of the Convention Act more particularly below; but from the exposition of its general working already given it is obvious that the majority of its regulations, so far as they affect methods of fishery and not matters of police, are either superfluous or impracticable or injurious, their evil tendencies being only neutralised by the circumstance that they are disregarded. And even were the provisions of the Act requisite or expedient, the highest legal authorities are so completely at variance concerning the interpretation and the limits of the application of the Act, that it must be regarded as an extremely defective piece of legislation.

2. The Acts giving the Commissioners of Public Works Control over the Irish Fisheries, and those constituting and empowering the Scotch Fishery Board.

It is proper to observe that where, as in the case of the Irish and Scotch Fisheries, Boards of Commissioners have been entrusted with very large powers over the fisheries, the whole course of the experience of the Commissioners has been such as to lead them to abstain as much as possible from the exercise of their powers, and to interfere only under the influence of pressure from without. Thus we have found the policy of the Irish Commissioners to be defined, "to do as little as possible, but to preserve peace if "possible." On behalf of the Scotch Fishery Board, Mr. Bouverie Primrose assures us that "the whole experience of the Board,—and they have now had fifty or sixty years "experience,—has all tended towards relaxing restrictions and liberalising legislation."

But while gladly acknowledging the great good sense which has hitherto guided the action of the Commissioners of Public Works in Ireland, and has led them to use the immense powers over the Sea Fisheries entrusted to them as little as possible, we feel bound to express our opinion that the powers to make byelaws, conferred upon them by the Acts 5 & 6 Vict. c. 106. and 11 & 12 Vict. c. 92., might, in the hands of injudicious and meddling administrators, become sources of much injury to the fisheries and of the most vexatious interference with fishermen.

The functions of the Scotch Fishery Board have been enumerated and described above, and may be classified as follows:—1. Inspection of cure. 2. Branding. 3. Regulation of the measures, and of the size and condition of barrels. 4. Collection of statistics. 5. Expenditure of Harbour Fund. 6. Police. And we have now to consider how far the performance of these functions is useful, or reconcileable with sound policy, and consequently how far the existence of the Board is desirable or otherwise.

1. The curers of the whole of the west coast of Scotland do not now use, and have never used, the brand; consequently any inspection exercised by the Fishery officers employed upon this coast is wholly gratuitous, and need have no practical effect upon the fishery. Unless the Fishery officers, therefore, perform indispensable services comprised under the third, fourth, and sixth heads enumerated above, there is no justification for their employment upon the west coast at all. Upon the east coast, the necessity for the continuance of the inspection is, of course, contingent upon that of the branding system.

2. The utility of the brand, with its correlative system of inspection, has already been made the subject of official inquiry on several occasions. In 1848, Mr. (now Sir John) Shaw Lefevre was instructed to investigate this question by the Lords Commissioners of

the Treasury, and made a valuable report,* at the end of which his conclusions are summed up as follows:

After giving my best attention to the facts and considerations which I have above set forth on both sides of this question, I deem it my duty to state, that if the question of continuing the brand related only to the home trade in white herrings, there appears to me not to be adequate grounds for supporting it; but, as respects the foreign trade, which is sufficiently large to be an object of the highest importance to Scotland, the branding system forms so essential a part of its arrangements, its abandonment might cause such derangement and contraction of that trade, and consequent loss and inconvenience to those engaged in it, and to the large bodies of the working classes employed, not only in fishing, but in the various operations of curing for the European market, that I feel compelled, notwithstanding the objection in principle to which it is liable, to recommend that it should still be maintained, and, as a necessary consequence, that the establishment of the East Coast Fishery Officers should be continued.

I am disposed to think, however, that it may be worthy of consideration, whether it may not be advisable to charge a small fee or duty upon the branding of each barrel. This would throw a portion of the expense of the establishment upon those who immediately benefit by it, and would thus lessen what is, in effect, a bounty on the export white herring trade, at the expense of the other classes of the community. It would likewise encourage the enterprising curer to rely on his own brand, as the saving of this fee or duty might counteract the disadvantage of his contending against the Government brand.

Entertaining a strong opinion, on the grounds before stated, with reference to the herring brand, that the system of authenticating the quality of goods by the agency of a Government officer is objectionable in principle, I think that it would be much to be regretted if any opportunity should be permitted for the growth and extension of a system of this nature, which is at present very limited, that is, the punching and branding of cod. Its discontinuance would now be easy; but if it were come into general use the same difficulties would arise in terminating it which now exist in the case of the herring branding system. I must further state that, although on the east coast of Scotland the extension of the punching of cod might not create an increase of the Fishery officers, yet on the west coast it would require more to be kept up than would otherwise be necessary. Accordingly, I venture to suggest that the system of punching and branding cod may be discontinued, subject to such precautions, in Orkney and Shetland as the interests and requirements of these islands, to which I shall more particularly allude on a subsequent occasion, may render advisable.

Six years afterwards, in 1855, the Treasury took up the question again, and on the 18th December of that year framed a very important minute, of which the following is the conclusion:

My Lords are of opinion that the time has now arrived when the fishery trade may be entirely thrown open, and the artificial system created by the brand of the Fishery Board may be abolished, substituting for it the sounder system already adopted with regard to all other articles of trade, including the fisheries of Ireland.

It appears to my Lords that the plan of branding all herrings that come up to a certain standard of quality, while it may be a certain convenience to the dealers, yet, practically, has the effect of limiting improvements to such an extent as is sufficient barely to secure the Government brand; there is no inducement for a fish curer to surpass his fellows in his art or trade; the Government brand equalizes the value of the commodity in the foreign market, though one parcel might be much better than the other.

The principle which my Lords propose now to act upon has long been recognised with regard to other manufactures, the system of stamping linen and woollen goods with an official mark previous to exportation having been long since abandoned.

The brands of private houses in the foreign markets have succeeded to this system, and in such cases each finds its place in the favour of buyers according to its own merits; and my Lords anticipate the same result as regards cured herrings, so soon as the brand of the Fishery Board shall have been altogether abolished.

My Lords propose, therefore, in accordance with the opinion strongly expresed in the House of Commons, to abolish the system of branding herrings for exportation.

With this will cease all necessity for an establishment, because their Lordships do not consider that it falls within the functions of such a department to keep order, on shore or afloat, among the fishermen, or to enforce the observance of conventions between this country and foreign powers.

The protection of Scotch fishermen from the intrusion of foreigners must be left to the Board of Admiralty, or to the Coastguard, by an arrangement with the Board of Customs; and as regards statistical returns of the trade, &c., no difficulty need be apprehended on this score.

The only point that remains for consideration is the annual grant for piers, or quays and harbours.

My Lords will always be prepared to entertain questions of this nature, but they are of opinion that the applications should be considered each upon its own special merits, and when a sufficient case is made out, that the grant should be submitted to Parliament in the Annual Estimates for Civil Services, accompanied by explanations of the grounds upon which the grant is recommended.

To this Minute the Board of Fisheries replied, on the 10th of January 1856, by a "Statement," from which we extract the following passages relative to the brand:—

The Board are disposed to admit, in common with their Lordships and Mr. Lefevre, that on the principle of the brand opposite views may reasonably be taken by different men. But the brand is not

* Board of Fisheries (Scotland).—Copy of the Reports addressed to the Lords Commissioners of Her Majesty's Treasury in or since the year 1855, by Mr. J. G. Shaw Lefevre, on the subject of the Fishery Board in Scotland; Copy of Treasury Minutes, since 1854, relative to the Board of Fisheries in Scotland; and of all Correspondence since 1854 with the Lords of the Treasury relative to the same subject. Ordered by the House of Commons to be printed 19th February 1856.

imperative; and it is a mistake to suppose, as is assumed in their Lordship's Minute, that it presents any obstacle to improvements in the cure of herrings, for if any curer can strike out a new and superior method of curing, he is free to do so, and may trust to his own name instead of the brand. Besides, they request their Lordships to bear in mind, that the fisheries have grown up under the present system, that it was not introduced until found necessary to enable the country to compete with the Dutch, and that it is now deeply engrafted and interwoven into the whole habits and arrangements of every one connected with the trade, from the humblest fisherman to the proprietor of the largest curing-yards.

. . . . . .

I. In regard to the brand upon herrings, their Lordships in their Minute remark, "The principle "which my Lords propose now to act upon has long been recognized with regard to other manufac- "tures, the system of stamping linen or woollen good, with an official mark previous to exportation "having been long since abandoned;" but an important distinction appears to have been overlooked, viz., that all other articles of manufacture may be examined before purchase, without injury to the articles, but a barrel of cured herrings cannot, and without an official stamp or Government brand, the character of which is sufficiently protected by regulations in this country to give it universal currency on the continent, the foreign merchant will not buy without examination, and consequent opening of the barrels, and as a necessary and unavoidable result without deterioration to the fish and deduction from their value.

On the subject of the Continental markets Mr. Lefevre most justly remarks, "As respects the "foreign trade, which is sufficiently large to be an object of the highest importance to Scotland, the "branding system forms so essential a part of its arrangements, its abandonment might cause such "derangement and contraction of that trade, and consequent loss and inconvenience to those engaged "in it, and to the large bodies of the working classes employed, not only in fishing, but in the various "operations of curing for the European market, that I feel compelled, notwithstanding the objection in "principle to which it is liable, to recommend that it should still be maintained." This is precisely the view which the foreign merchants take of the brand. They all say that they will not buy largely of Scotch herrings without the brand; they state that without it they will exercise the right enjoyed by every purchaser of seeing the article before he buys, that they will resume the "braack" or foreign system of inspection, abandoned since the brand, and have the barrels opened and inspected at the port of import, to satisfy themselves of their quality; a process which, in addition to the injury done to the herrings, is attended with expense and uncertainty both falling upon the shipper. They aver that barrels which now pass to the heart of Europe, and even to the Black Sea, current as a bank note, will no longer do so, but will be submitted to successive processes of opening, deteriorating the herrings more and more every time, and exposing the Scotch shipper, with no protection over his property, to the various artifices of the lowest retail foreign dealers.

The arguments of the Board against the abolition of the branding system were supported by many memorials and letters from British and Foreign merchants and curers. On the other hand the correspondence printed in the parliamentary papers contains the following important letter against the brand, forwarded to Lord Palmerston by Mr. E. Ellice, M.P., in which a merchant states with great force the objections to the brand which have arisen out of his practical experience.

DEAR SIR, Anstruther, January 23, 1856.

I AM favoured with yours of 15th instant, and have much pleasure in availing myself of your invitation to state the opinions held by curers in this quarter, who are opposed to the maintenance of the Board of Fisheries.

I need scarcely remind you that those in favour of the Board narrow its usefulness to the one point of branding, and that this brand is of use only in the foreign market.

We object to the brand on account of the vague manner in which it is affixed. In a case of so much importance one would expect that one uniform rule was followed by all officers; such is not the case. Officers, it would appear, have no rules for their guidance; the Board gives them large discretionary powers but no definite instructions. An officer may pass or condemn as he sees fit; and the practice of one officer as compared with another, or even as compared with himself, on separate occasions, is very varied. We have seen herrings taken in the Forth, carried to Dunbar, and branded there; while the same quality, cured on the Fife coast, were refused the brand. We have also seen part of one lot of herrings cured here and refused the brand, while the remainder, taken to Leith, were branded there without scruple. And this diversity of practice is easily accounted for by the fact that the officer's status, and even his appointment, are risked by each parcel he brands. If he is timid he will brand few, and if he lacks firmness, or fears to give offence, he will be more liberal with his brand. The trade is thus exposed to the caprice, the fears, or the ignorance of the officer; and the Board itself, if it exists for fostering the trade, has been, in our experience, negligent of its duty. It is only of late years we have been deemed deserving of the full crown brand, and our fish now is of no better quality than when the brand was refused to us. If the brand opened the foreign market to Wick herrings, why did the board so long inflict on us the injustice of exclusion frem it? Parties in favour of the brand allege that foreigners take it as a guarantee, and that it is used as a passport all over the continent; our experience is the very reverse of this. It is true that a foreigner will purchase a branded barrel more readily than one unbranded, for the simple reason that the official mark tells him it has been inspected. That mark, however, is not deemed sufficient, the guarantee is always acknowledged, brands are inspected, and we have every year cases of the rejection of herrings as marked. Lately, herrings purchased in Anstruther and sent to Prussia were not only inspected, but rejected. A sample was returned to Leith, and although the referees decided they were worthy, yet the consignee was subjected to a loss of 3*s.* per barrel.

Again, it is said that a curer need not brand unless he chooses. This objection I conceive to be very absurd, for so long as a Government brand is known to be in use, any unbranded barrel will be

regarded with suspicion, and the most extensive curer, in a market where he is not known, will be in a worse position without than one who accasionally cures his 50 barrels. We must therefore submit to all the annoyances of the brand in self-defence, since commission agents will not purchase without it.

We further object to the brand, because it fixes a minimum of quality, and offers no inducement to excel. But were it discontinued, and curers left to their own exertions, each would endeavour to produce such an article as would please his customers, and would not rest satisfied with merely being able to pass an official examination, which places all on a level. The exertions of the careful curers would thus meet with their due reward, while the careless, the ignorant, and the slovenly curers would at once find their true position; a field would be opened for competition, a superior cure produced, and the present demand at least fully maintained. In support of this position, I refer to the present cure of cod fish, which is so much superior to what it was when under the protection of the brand. The officers of the Board being thus so capricious, its benefit in the foreign market so doubtful, and the obstacles it puts in the way of an improved cure so great, it seems to me very strange to find the recent prosperity of the trade attributed to it. Like all other trades depending on causes beyond human control, it must always be precarious. I attribute the prosperity of late years to the supply and demand alone. Herrings have visited our coasts in large shoals; the home and foreign trade of the country have been good. Railways have now opened up for us large inland towns to which we had formerly no access; steam communication to Germany is now frequent, and the railway system on the continent has given us new markets there. These alone I believe to be the true causes of the development of the trade. I therefore conceive that if Government wishes to foster the fisheries of the country they should do so not by supporting a Board whose existence is argued for on the plea that it does no harm, but by endeavouring to open up for us other continental markets, as Belgium has recently been opened, and by giving more liberal grants for the erection of harbours for fishermen; and were this the case we would find, irrespective of all brands, that the demand would at least exceed the supply.

I am, &c.

Edward Ellice, Esq., M.P. (Signed) John Todd.

The Treasury now issued a Commission, appointing Capt. (now Admiral) Sulivan and Messrs. Bonamy Price and Frederick St. John "to visit Scotland, and examine on the "spot into all the questions in relation to the application of the grants to the Board of "Fisheries, and report as to what fee should be charged for the brand of herrings cured, "in the event of its being determined to continue the system of branding, and also in what "manner the other duties of the Board shall be discharged," who reported on the 4th November 1856.

On the question of the brand, however, the Commissioners were diametrically opposed, Messrs. Price and St. John taking one view, and Admiral Sulivan the opposite.

We append copious extracts from these Reports for the purposes of reference. (Appendix No. 47.)

The result of the Reports of the Commission was that the payment of a fee of 4*d.* per barrel was imposed upon all those merchants who desired to have their herrings branded. This fee, as we have stated above, was first levied in 1859. It yielded, in the first year, 2,664*l.* 12*s.*, and in the second, 3,865*l.* 4*s.* 6*d.*, thereby fulfilling the conditions upon which alone Messrs. Price and St. John recommended the continuance of the existence of the branding system.

The Reports we have appended fairly represent the evidence laid before ourselves. We shall now endeavour to reduce the arguments on both sides to a smaller compass, and to estimate them at their just weight.

1. It is not pretended by any one that the branding system is defensible as a matter of commercial policy. Sir J. Shaw Lefevre says it is "objectionable in principle." The Lords of the Treasury formally disapprove of it in their Minutes, and even Messrs. Price and St. John, who recommend the continuance of the branding system, if self-supporting, would condemn any "exceptional contribution from the public purse to the support of a "particular trade." In fact, it is admitted on all sides that, in principle, the branding system is utterly indefensible.

2. Furthermore, it is not pretended by any one that the branding system is needed for the home trade in herrings. The white herring trade of the west coast of Scotland will not have it.

3. The only admissible arguments in favour of the branding system, then, are those derivable from its effects upon the foreign trade in white herrings. 30,851-2.

There can be no doubt that the branding system facilitates the operations of the curers and merchants, and thus reacts favourably upon the fishermen. But that the herring trade would not be equally prosperous without it is by no means proved; for the opponents of the brand, who are numerous, intelligent men, and said to be increasing in number in Wick, affirm and bring forward good evidence to show:— 30,748.

1. That the regulations of the Fishery Board are not such as tend to the production of the best cure.

32,633. 32,630. 2. That the foreign merchants readily take the herrings of the Stornoway curers without any brand; whence it would appear that, whatever has been said to the contrary, there is no greater difficulty in dealing with barrelled herrings than with pork or beef. On this side of the question it further appears that not more than half the herrings cured in Scotland, at the present moment, are branded.

31,157. 3. That, for reasons very clearly stated in Mr. Todd's letter (p. lxxvi), the increase in the demand for the brand is no evidence that any one thinks it necessary or advantageous.

30,421. 30,440. 4. That if any brand be necessary or advantageous, it might be as well effected by arrangements made by the curers and merchants themselves, without the interference of the Government. Indeed, such a course as this is suggested in the memorials of the Appendix No. 45. Königsberg and the Stettin merchants, who agree "that in case the brand was abolished in "Scotland we should be under the necessity to constitute at this place a magistrate who "had to examine the herrings imported here, and to put a brand on the barrels, in order "to guard us against all chicanery of our customers in the interior."

In other words, if the British Government will not go on inspecting and guaranteeing the herrings, the Königsberg and Stettin merchants will get some one else to do it for them. And why not? What has the English Government to do with protecting herring merchants against the chicanery of their correspondents in the interior, when it allows merchants of every other description to take their own risks?

It appears clear, therefore, that the good effects of the brand have been over-estimated, and that so far as they exist they might be attained in other ways. The evil effects of the cessation of the branding system appear to have been no less exaggerated.

Thus the Königsberg merchants say in their memorial against the abolition of the brand addressed to us:—

Appendix No. 45. In most districts of our country the buyers of herrings have so great a prejudice against them so long as they are unbranded, that they do not buy any before they cannot obtain crown and full branded. In Russia and Poland the prejudice against unbranded herrings is still greater than in this country, and not a single barrel of unbranded herrings can be sold there.

But the assertion that unbranded herrings are unsaleable in Russia and Poland is diametrically contradicted by the Dantzic merchants, who tell us in their memorial, that—

Appendix No. 44. For several years the importation of herrings from Scotland into this port amounted only to a few thousand barrels, while at the same time about 80,000 barrels were imported from Norway.

By degrees the dealers here, as well as in the remote districts of Russia and Poland, discovered that they could depend on a certain standard of quantity and quality in Scotch herrings to which the official brand was applied, whereas they found that such was not the case with the herrings imported from Norway, and the consequence was, that a decided preference was given to Scotch branded herrings, so much so, that the importation and consumption of Scotch herrings in 1862 rose to 75,000 barrels against 31,000 barrels from Norway, notwithstanding that Scotch full crown-branded herrings were 12*s.* to 15*s.*, and Scotch crown-branded spent herrings 6*s.* to 9*s.* sterling per barrel dearer than Norwegians.

It is obvious from this that the unbranded Norwegian herrings did and do sell largely in Russia and Poland; and indeed it would be somewhat remarkable if they did not, for it will hardly be maintained that the people of Russia and Poland are so much better off for food than those of Great Britain, that they are likely to refuse to take herrings which we gladly import. And yet the fact that a large importation of Norwegian herrings has taken place into this country of late years (to the extent, it is said, of 30,000 barrels in 1862–3) is notorious.

Furthermore, the foreign merchants all agree that if the brand were abolished, speculation in herrings among themselves would cease, and money would not be advanced on the herrings to the curer.

But it is obviously no part of the duty of Government to facilitate the speculations of foreign merchants; while, as regards advances to curers, we entertain no shadow of doubt that in that matter they will be guided by their own interests, and by the pressure put upon them by the demand for herrings on the one hand, and the conditions of supply on the other.

Upon this head we have the very definite evidence of Mr. MacAdie of Wick.

31,169. Is there anything else?—There was also a statement made that no money would be advanced upon herrings unless they were branded. That is not the fact. Every year there are cured in the Lewis islands from 20,000 to 50,000 barrels, and each year money is advanced upon those herrings before they are shipped. They are all of them unbranded.

31,170. In the same way as money is advanced upon branded herrings here?—Yes, the very same way. Money has been advanced both in this and in former years.

Finally, all the best evidence we have received is to the effect that any disturbance in the course of trade resulting from the removal of the brand would be of an altogether temporary character.

Nothing can be stronger than the language in which Messrs. Price and St. John, who, it will be recollected, recommend the continuance of the brand, express the same opinion in a passage of their Report:

"No witnesses have asserted that the branding system of the Board of Fisheries is absolutely indispensable either to the existence or the prosperity of the herring trade. No witness, when questioned, failed to express a perfect confidence that whatever might be the duration and the amount of the disorder or loss caused by the abolition of the brand, the foreign trade would ultimately be as flourishing as ever.

"These facts and reasonings convince us that the traders in white herrings are justified in believing that the foreign trade would sustain no permanent injury from the abolition of the brand, and they warrant us, we conceive, in expressing a decided opinion, that if the continuance of the brand involved violation of any great principle of public policy we should be bound to recommend its abolition to their Lordships."

But we conceive that such a violation of a great principle of public policy is involved in the very existence of the brand and its concomitant system of regulation and inspection. It is a direct violation of the greatest of all economical principles, and of that which is now adopted as the commercial policy of this country—the principle of Free Trade and the policy of removing every description of restriction and protection from commerce.

We have been unable to discover why the State should undertake to guarantee the goodness of a barrel of herrings rather than that of a barrel of pork, or of a bale of cotton, or of any other commodity; and why, in this sole instance, among the enormous foreign commercial transactions of this country, the Government should interfere between buyer and seller, and relieve the former of that necessity for care and caution in the transaction of his own business which is incidental to every other branch of trade. The arguments which have been brought forward in support of the position that cured herrings are articles of such an exceptional character, that they require special interference by the State, appear to us to be devoid of weight and unworthy of serious attention.

Still more anomalous is the operation of the branding system, with its correlative inspection, upon the curers at home.

At the present time, not a single barrel of herrings out of about 100,000 which are yearly cured on the west coast of Scotland receives the brand, as the curers attach no value to it, and will not have it; and as out of the average 500,000 barrels cured on the east coast, not more than 300,000 are branded, it is clear that half the whole yearly cure of Scotland sells very well without the brand, and that half the curers (as represented by the value of their produce) do not care for it.

The Fishery Board inspection and brand, in fact, has all the expense, cumbrousness, and interference with trade of an excise, without the one redeeming virtue of the latter, that of yielding a revenue; and the sole argument to which its supporters are reduced is the inutility of disturbing a system, which, while it costs the country nothing, is a great convenience to trade.

To this the reply is, first, that every system which is based upon unsound principles is, so long as it exists, a precedent for, and suggestion of other violations of right policy; and, secondly, that all that is proved is, that the branding system is a convenience to the present form of the white herring export trade. There is no evidence that the present is the most advantageous form for that trade to take, while it is quite certain that the branding system tends to stereotype the existing condition of the trade, and to throw all the weight of a great Government establishment and organised system, against the development of other and better methods. Fully concurring, as we do, in the general tenor of Admiral Sulivan's able Report, and with the Treasury minute of 1855, we consider the continuance of the white herring brand and inspection to be unjustifiable.

3. With respect to the function of regulating the use of measures and of barrels, exercised by the Fishery Board, we concur with the following passage in Admiral Sulivan's Report—

"I see no reason, therefore, why parties engaged in the trade should not regulate the size of the package, as they do in other trades. If parties contract for herrings to be delivered without inspection, and wish to have them in barrels of the usual size, it can easily be inserted in the contract. Those who buy by inspection can see the size of the barrels as easily as the officers now do. If parties, for the convenience of carriage or other purposes, desire to have herrings packed in barrels of intermediate size, say from 20 to 25 gallons, and curers are willing to supply them, I cannot see why they should not do so, when the trade is an open one.

The cran measure, by which fresh herrings are sold, can be easily established and regulated, as the bushel and other measures are; and it would be an advantage if half and quarter crans were also made legal measures, as they are so extensively used in the trade."

4. The collection of accurate statistics respecting all the fisheries of the United Kingdom is a matter of much importance. But we agree in the opinion expressed in the

Treasury minute that the machinery of the Fishery Board is neither necessary for nor adequate to the performance of this task.

5. We are not empowered by our commission to enter upon the question of the best mode of expending money in the improvement of harbours. But we have already pointed out that, under this head, the Fishery Board will have nothing to do for the next four years.

6. Lastly, as regards the police functions of the Board, we entirely concur with the views expressed in the Treasury minute; and, furthermore, if, as we have concluded, the Close Time Act and the Acts prohibiting trawling for herrings in Scotland are injurious, and consequently undergo repeal, the tendency to crime created by superfluous legislative restrictions will no longer exist, and the need of any special police supervision on the part of the Board will cease.

So far as the deep sea fishings are concerned we are quite at a loss to understand what is gained by the intervention of the Board. The naval commanders cruising upon the fishing grounds during the season might just as well receive their instructions to enforce any regulations that may be enacted by Parliament, from the admiral of the station as from anyone else.

7. In conclusion, we are of opinion that the Acts of Parliament constituting the Board of British White Fisheries are superfluous and tend to operate injuriously.

3. The Acts enforcing Close Time and prohibiting Trawling for Herrings on the West Coast of Scotland.

We agree with the Royal Commissioners of 1862 in regarding the Act enforcing close time on the west coast of Scotland as incapable of any justification, and as having been cruelly injurious to the interests of a large number of fishermen; and we are unable to discover any sufficient reason for the prohibition of that mode of catching herrings which, on the west coast of Scotland, is called "trawling," unless such prohibition may be necessary for the preservation of the peace in narrow waters.

4. Regulations affecting the Sizes of the Meshes of Nets.

According to Art. XXVIII. of the Convention, the meshes of all nets used for herring fishing shall be not less than one inch (25 millimètres French) square, from knot to knot, along the line; but this regulation simply continues and extends a provision of the 48 Geo. 3. c. 110, which stands thus:—"And be it further enacted that from and "after the first day of June 1809, no person shall use on any river or loch, or at sea, in "or on the coast of Great Britain any herring-net or any trawl-net, drag-net, or any "other sea net for the taking of herrings, which hath a mesh of less than one inch from "knot to knot, or any false or double bottom, cod, or pouch, or shall put any other net, "though of lawful size, behind the others to destroy the small fish; and that any person "offending herein shall forfeit every such net as aforesaid and the sum of 40*l.* for every "such offence; and it shall be lawful for the Commissioners for the herring fisheries to be "appointed pursuant to this Act to cause every such net to be burnt."

The framers of this clause appear to have had two objects in view; the one to prevent the destruction of small herrings, the other to produce some approximation to uniformity in the size of the fish captured; and by thus securing a more even quality among the fish when cured, to enable British cured herrings to compete successfully with those of the Dutch.

The restriction of the mesh of the drift herring net to the size of an inch from knot to knot along the line is very generally observed by the fishermen; indeed, we have not heard of nets of smaller size being made (although, from the shrinking of the material, nets made with 36 meshes to the yard may, in the course of a year or two's use, have 38 or 40) for the simple reason that it is the interest of the fishermen to catch as fine herrings as possible, and that a mesh of too small size would catch the small herrings and let the large ones go free. Herrings caught by the drift-net are in reality snared, the fish putting its head through the mesh and being caught by the gill-covers, when it tries to get its head back again; consequently, if the mesh is made too small to pass over the back of the head of a full-sized herring, the fish will not be detained by the net.

While full-sized herrings are abundant, there is no temptation to drift-net fishermen to use a mesh below a certain size; on the contrary, they would lose by so doing. When, as in the spring, the herrings of small size aggregate in large numbers, they might be taken with small meshed nets, but their value in the market is so low that it may be doubted if the fishermen would find it worth while to keep a second set of nets for the purpose of taking them.

We have received very contradictory evidence respecting the effect of restricting the size of the mesh in the "trawls," or circle-nets, formerly used on the west coast of Scotland, some affirming that the inch mesh allows all undersized fish to escape, others that it has no effect, the meshes soon becoming choked and practically closed by the larger fish on the outside of the shoal enclosed in the trawl. We are inclined to think that a good deal depends upon the size of the shoal enclosed, the chances of escape for the small fish being greater when a small, than when a large, shoal is taken.

With regard to the utility of restricting the size of the mesh, we are of opinion that in this as in other cases it is better to leave the fisherman free to select his own instruments of capture, and if harm is done by taking too small fish, to render the bringing ashore and selling of such fish penal.

The same remarks apply to the restrictions upon the meshes of mackerel nets (Art. XXXVII.), bratt nets (Art. XLI.), trammels (Art. XLII.), and trawls.

Articles LV. and LVI. will become unnecessary if the foregoing are abolished.

5. Regulations concerning the Lighting and Numbering of Boats.

Nothing can be more important than that an efficient system of numbering all fishing boats and gear, and of lighting those which work at night, should be rigidly enforced.

The existing regulations appear to suffice for the proper numbering of the boats, and to be well carried out by the officers of the Customs. Some of the fishermen, however, have complained that the paint is injurious to their sails, and it would be well that due inquiries should be made into the justice or otherwise of this statement, as doubtless, if necessary, some other equally conspicuous material could be substituted for paint.

We are not satisfied that the regulations respecting distinguishing vanes (Articles L. to LI.) would be of any utility if they were observed.

There should be some means of distinguishing fishing boats from other boats at night, however, and we have been unable to discover any valid reason against the enforcement of Articles LIII. and LIV., which we should be disposed to extend to all fishing vessels whatsoever.

In connexion with this subject, we may express our entire concurrence with the spirit of Articles XXXV. and XLIII. which require that the places in which fixed nets are set shall be plainly distinguished by buoys or otherwise.

With respect to Article XLIV. it may be remarked that, on the one hand, it is contrary to the interests of the fishermen not to examine such nets at frequent intervals, and, on the other, that the detection of an infringement of the regulations would necessarily be very difficult. We consider the article to be superfluous.

We have adverted, above, to the difficulty of interpreting the words "engaged" and "going on" in Article XXIV., and the like ambiguity attaches to Articles LII. and LVII. Nets may drift a dozen miles while fishing north or south, east or west, on shore or off shore, according to the direction of the wind and tide. Sometimes fishermen may shoot their nets within a mile of their port, sometimes not within ten miles or more.

If these regulations really signify that no boat may trawl (Art. XXIV.), or anchor between sunset and sunrise (Art. LII.), or set a trammel net, or a lobster pot, or a long line (Art. LVII.) in any place in which a drift net may possibly be found during the herring or mackerel season, we must express our conviction that they are exceedingly unjust and oppressive to the fishermen whose occupations are thus interfered with. If, on the other hand, they do not bear this interpretation, we are at a loss to see how they can be applied at all, and must consider them to be superfluous.

We entirely concur with the spirit of the Articles LVIII. to LXXXVI. inclusively, and Art. LXXXIX.

6. Recent Legislation of the Dutch upon Fisheries.

Before leaving the general topic of the utility of legislative restrictions upon fisheries, it may be instructive to consider the action of the Dutch Government, the sea fisheries having been for three centuries a matter of care and prominent interest in Holland. Their present position is referred to in the following words of the King's speech, at the opening of the legislative session of 1865-66:

"The produce of the fisheries, both in sea and river, is most satisfactory."

The British and Dutch fishermen have for a long period fished indiscriminately on the same ground. In the warm weather, many of our fishermen resort to the shallow coasts of Holland, where flat fish are then found to be very plentiful. In the colder weather, when the fish seek deeper water, the fishermen of both countries meet on the same fishing grounds nearer our own shores. And, when the herring are announced to have made their appearance on the coasts of Scotland, the Dutch fleet sets out to take its share of the bountiful harvest. Both countries possess inshore fisheries of their own which are objects of special attention, but, in the deep sea, the fishing grounds are equally open to both, while the restrictions which may be imposed on the fishermen by the legislature of the one country can have no force upon those of the other. Up to 1857 the Dutch fisheries were burdened with many restrictions, intended for their protection and encouragement. The period within which herrings could be fished was limited. The places of fishing, the times, the nets, and the tackle were all under regulations. But the fishery languished and declined, and it was determined by the legislature to try the effect of another system. A law was passed in 1857 abolishing all restrictions, regulations, and enactments as to close-time, trawls, nets, and lines. Everyone was left free to fish the sea in any mode, and at any time he deemed most advantageous, while a Fishery Commission was established to collect the statistics of the various fisheries, and report annually to the legislature upon all matters affecting the interests of the fisheries.

The result has been a steady and continuous improvement. The last report of the Commission shows greater anxiety to find new markets in foreign countries for the fish, than about the prospects of an abundant catch. The Commissioners conceive that the future prosperity of the Dutch fisheries will depend on a profitable outlet for the fish being found by a freer intercourse with neighbouring countries. A return is given of the number of vessels employed in the herring fishery at Scheveningen, and their annual catch, which rises from 24,969,000 in 1858 to 33,535,000 in 1864. The export of cured herring from all parts of the country had risen from 30,919,271 "stuks" in 1858, to 42,698,000 in 1864.

The only remnant of the protective system which has been spared by the Dutch is the branding of Dutch herrings. To this they continue to adhere with great tenacity, minute regulations being laid down as to the processes necessary for obtaining the government brand, and penalties imposed for counterfeiting it. The Fishery Commission being charged with this duty naturally attach some importance to it, and in their report describe the vigilance used by their officers in enforcing it. Notwithstanding this vigilance, they say, much Scotch herring is imported and passed for Dutch. In the early part of the season all the herring caught, whether by Dutch or other boats, are really more Scotch than Dutch, inasmuch as they are taken by the boats of both countries on the Scotch coast. But the brand is a token not of the nationality but of a specific mode of cure. "Dutch herrings" have a character of their own on the continent. They are greatly esteemed as a relish, are eaten raw, and fetch a high price. A small proportion only of the season's catch can be cured in the mode which entitles them to the government brand. The fish when taken from the nets, and while still alive, have the lower jaw cut out, and are immediately packed in salt in casks. In this way the salt is believed to enter the fish better, and the best fish are selected for this cure. The mass of the fish caught is salted without being gutted, and lies in bulk in the vessel so salted, till the cargo is complete, and the vessel returns home. The herring are then taken out and smoked, and sent to market. But the barrelled herrings, which have been selected for special cure, are, on the vessel's return, inspected, and if found satisfactory, receive the government brand as "Dutch cured" herring.

7. *Regulations relating to Oysters; and Oyster Fishing in general.*

The following Articles of the Convention Act relate to Oyster fishing:—

XLV. Oyster fishing shall open on the 1st of September and shall close on the 30th of April.

XLVI. From the 1st of May to the 30th of August no boat shall have on board any dredge or other implement whatever, for catching oysters.

XLVII. It is forbidden to dredge for oysters between sunset and sunrise.

Article XLVIII. The fishermen shall cull the oysters on the fishing ground, and shall immediately throw back into the sea all oysters less than two and a half inches (six

centimètres French) in the greatest diameter of the shell, and also all sand, gravel, and fragments of shells.

XLIX. It is forbidden to throw into the sea, on oyster fishing grounds, the ballast of boats or any other thing whatsoever which might be detrimental to the oyster fishing.

Complaints were early made against these regulations by the fishermen of Kent and Essex fishing on what are called the "flats" in the estuary of the Thames and on the grounds off the coast of Essex, who had been in the habit of dredging from time immemorial for the brood of oysters in order to stock their beds. Complaints were also made by the owners of private beds against a law which, if it operated within three miles of the coast, prevented them even moving their oysters from one part of their beds to another, as had been their wont, or clearing their beds by dredging in the summer months. Legal difficulties also arose in the prosecution of persons for dredging in the harbours, and, accordingly, in 1847, the Board of Trade, after consulting the law officers of the Crown, gave directions to the Customs "not to enforce, for the "present, the regulations of the Convention with respect to oyster fishing in any portion "of the sea within three miles of the east coasts, or in any of the bays or estuaries "thereof." They stated as their reasons, "that it was not the intention of either of the "parties to the Convention to make regulations binding on the coast fisheries of the "other, except so far as might be necessary to secure the observation of the regulations "applicable to the sea common to both; and that, as regards the seas not common to "both, it would be desirable to enforce the regulations to such an extent, and to such "an extent only, as might be most consistent with the permanent interests of the fishermen on different parts of the coast." As regards other parts of the coast of the United Kingdom, the Board of Trade directed that the regulations should be enforced, undertaking, however, to consider the expediency of relaxing them if the interests of the fisheries should require it.

Parliamentary Papers, 1855, No. 313.

The restriction as to close-time was not generally enforced or observed by the fishermen of Jersey, or in the Channel, till the year 1852, when the French Government called upon the English Government for a strict execution of the Convention as regards oyster fisheries, and instructions were then given to the Customs officers and Admiralty cruisers in the Channel to enforce it.

It appears that great difficulty was found in enforcing the regulations, in consequence of there being no power to destroy oysters found on board fishing boats during the fence months, and accordingly the Act 18 & 19 Vict. c. 101 (1855) was passed.

The first section of this Act provides that any officer, when he boards any British fishing vessel to examine whether the fishing regulations are complied with, may seize and throw overboard or destroy any oysters found on board such vessel at any time between the 1st of May and the 31st of August, and may seize and dispose of dredges and other implements for catching oysters found on board such vessel, or found sunk in, or floating upon, the seas during the time aforesaid; and the second section provides, that no oysters taken in the seas between the United Kingdom and France shall be imported into or landed in the United Kingdom between the 1st of May and 31st of August; and that any oysters imported or landed between such days from any vessel employed in fishing in the said seas shall be deemed to be oysters taken and imported contrary to the provisions of the Act, unless the contrary be proved; and that oysters which it is attempted so to land may be destroyed.

It has been considered by many that this Act had the effect of extending the operation of the Convention Act and enforcing the close-time within the limits of the three miles from the coasts of this country; but after a careful consideration of the two Acts, we think that the difficulty there may be in applying the Convention Act to within the three-mile limit is not removed, with respect to oysters, by the subsequent Act. Like the Convention Act, the Act of 1855 was passed for the purpose of executing more effectually the Convention between the two countries, and it does not in express words extend any of its regulations to the seas within the three-mile limit. The words "seas "between the United Kingdom and France" occur in both Acts, and if, in the Convention Act, they exclude the seas within the three-mile limit they do so equally in the later Act. Such being the case, only those dredges may be seized which have been used during the close season on the open seas beyond the three-mile limit; and though oysters imported, or landed, from any vessel employed beyond the limit during the close season

are to be deemed to have been taken beyond the limit, unless the contrary be proved, yet where it is proved that the oysters were taken within the three-mile limit, the Act does not apply. If this view be correct, then, neither under this Act nor under the Convention Act, can the close-time for oysters be enforced by law within the limit of three miles from low-water mark, or in those bays which are not more than ten miles across.

However, this question, like that which has arisen regarding the application of the Convention Act generally, is one of considerable difficulty.

In May 1857 the suspension of the regulations of the Convention Act within the three-mile limit on the east coast was continued by direction of the Board of Trade.

Parliamentary Papers, 1857, Nos. 55 and 161.

At the same time, in consequence of complaints from the owners of private beds, an Order in Council was passed, purporting to be under sec. 4 of the Convention Act.

The Order directs—

1. That the officers of Customs and Coastguard are to seize oysters, dredges, &c., taken or used during the close-months, but so as not to interfere with the action of the owners of private oyster beds within the British limits, so far as regards the preservation, or propagation, of oysters, and the removal thereof from one bed to another, subject to the following rules.
2. That no person is, during the close-months, to dredge for, or have, oysters except for their preservation or propagation, or for working the beds, or for removing oysters from one bed to another, without a special licence from the collector of the port.
3. That no person shall, during the close-months, remove oysters from bed to bed without a licence addressed by the collector of the port where they are dredged to the collector of the port where they are deposited; such licence to be granted only upon a bond being given for the due deposit of the oysters at their place of destination.
4. These rules to apply to the removal of oysters lawfully dredged in Ireland to the coasts of England.

The above Order in Council is framed apparently on the assumption that the Act of 1855 extended the prohibition of dredging for oysters to within the three-mile limit and the bays. But though the fourth section of the Convention Act gives power to the Board of Trade "to make such rules and byelaws as shall seem expedient to them "for the more effectual performance of the said Convention and articles, and from time "to time to annul or alter the same," yet we think it may be questioned whether power is given, under this section, to limit the operation of the Act even in favour of private beds, much less in favour of the open fisheries on the east coast; and if the Act of 1855 does not extend the regulation of close-time to within the three-mile limit, the Order in Council is superfluous.

As might be expected from the preceding account of the legislation which has taken place respecting oyster fisheries, we found everywhere very great uncertainty existing as to the state of the law on this subject. On the Essex coast the fishermen are under the impression that they have a right to dredge for oysters anywhere north of a line drawn from the North Foreland to Dunkirk. They state that such a line was drawn
59,207. for them some few years ago by the Board of Trade, and that they were told that beyond that line they were free from the restriction of the Convention. It seems that latterly the Government have insisted on stopping dredging north of this line except within the three-mile limit; but the Colchester men told us that they had challenged the Government to send a vessel out after them, and an action in the matter is, we believe, now pending.

It is obvious that the uncertainty attending the law must be very prejudicial to the interests of the oyster trade, and, in fact, the law is administered very differently, according to the view which the commanders of the cruisers take of the Convention. A dredgerman of Colchester thus described it to us: "The commander of one cutter will
"come on board a vessel and say, 'You ought only to have oysters of such a size;' and
59,510. "another will say, 'You ought not to have a dredge on board;' a third that we ought
"not to be here, and the next we ought not to be there. Another one says we have
"no business to go to Burnham for oysters; and what with all these different opinions
"we never know what we ought to do. In point of fact the interference to which we
"are subjected here has regularly paralysed our trade."

And again, " The Government have taken so much advantage of us that our business
" has been almost paralysed. We are obliged to act contrary to the law, if we did not 59,542.
" we should starve, or should have to seek some other mode of gaining a living." 23,326.

Whatever may be legally right or wrong, as a matter of fact, we find that the close-time is very generally enforced upon and observed by the fishermen, both inside and outside the three-mile limit, along the south coast, and generally in the Channel, but not so much so north of the North Foreland.

In Ireland the legislation with regard to oysters has the merit of being certain, though it differs for different parts of the coast. The Act 5 & 6 Vict. c. 106, prohibits the taking of oysters from May 1 to Sept. 1, but makes no restrictions as to size. The Convention Act, it will be recollected, is suspended by Order in Council, and under the powers of the Act, from operation on the coast of Ireland; whether the legislation specially for Ireland covers the space between the coast and the line, wherever it may be, where the Convention Act begins to operate, may be a question, but at least it covers the seas within the three-mile limit and in the bays and loughs.

The Fishery Commissioners of Ireland have, in virtue of their powers, passed byelaws with respect to certain oyster fisheries off their coast.

Summing up the clearly determinable results of legislation respecting oysters, they appear to us to be as follows:—

1. That round the English and Scotch coasts, and outside the 3-mile limit, a close-time is to be observed; oysters less than 2½ inches in diameter may not be taken, and all sand, gravel, and fragments of shell must be thrown back into the sea; ballast or other detrimental matters must not be thrown on oyster fishing grounds; and dredging must not take place between sunset and sunrise.
2. That, on the supposition that the Convention Act applies only to the seas between the fishery limits of the two countries, oyster fishing is free from regulations within the 3-mile limit, and in the bays of England and Scotland.
3. That Dutch fishermen, and fishermen of other nations not parties to the Convention, may dredge oysters when, where, and how they please.
4. That, on the above supposition as to the Convention Act, if oysters are landed during the close-time they are liable to seizure, unless the holder can prove that they have been taken within the 3-mile limit.
5. That in Ireland the taking of oysters during the close season within the 3-mile limit is illegal, but that the Convention Act being suspended outside the 3-mile limit, a question would arise whether the taking of oysters outside the limit is subject to any restrictions.
6. That where the Irish Fishery Commissioners have given leave to remove oysters within the 3-mile limit such removal is lawful, but that elsewhere the dredging up of oysters, even on private grounds, is illegal.
7. That within the same limits in Ireland there is no restriction as to the size of the oysters permitted to be taken, except where the Commissioners have made a byelaw.
8. That in Ireland the Fishery Commissioners have power to grant licences for the formation of oyster beds; but that in England there is no such power in any public department, and that no grant of exclusive fishery can be made without an Act of Parliament.

The Acts relating to England, however, appear to have been officially interpreted in a different manner, instructions having been given to Naval and Customs officers upon the south coast:

To carry out the close-time strictly, both within and without the 3-mile limit. To seize the dredges and oysters of all persons found dredging in the four close months—May, June, July, and August—in all places with exception of the estuary of the Thames and some parts within three miles of the east coast north of the Foreland. Within the 3-mile limit there has been no restriction in some places upon the size of the oysters taken; but officers of the cruisers in the Channel are authorized to carry out the forty-eighth article of the Convention outside the 3-mile limit. Under the Order in Council of May 1857, owners of private grounds are not to have the liberty of even moving their oysters from one part of their ground to another without a licence from the Collector of Customs of the port. And, further, they are not allowed to move them from one part of the coast to another, for the purpose of laying them down on other beds, unless they obtain a licence

from the Collector of Customs and give a bond to deposit them on other ground at their place of destination.

23,186. The mode in which these Orders in Council work is illustrated by the course of trade at Falmouth. The oysters there are unfit for the market when first dredged up; and they must be laid on beds for a considerable time before they are fit for consumption. Large quantities are laid upon private beds at the head of the harbour, and are kept there for nearly a year; others are exported direct to Rochester and Shoreham. It is often 23,332-6. necessary to transfer oysters laid down on the private beds at Falmouth to Shoreham and Rochester, during the close season; and, occasionally, to save cargoes of oysters on their way from Ireland to the Thames, they need to be laid down for a time at Falmouth, and are removed again during the close season. In such cases the Collector of Customs gives 23,332. a special licence for the removal, and the merchant enters into a bond, under a penalty of 100*l.*, not to take them elsewhere than to the place named in the licence, and when he is satisfied that the oysters have been laid down there the bond is cancelled.

25,901-3. We have not found that the same care is exercised at Shoreham—the oysters laid down on beds at this place being regularly supplied to the London market during the close season whenever they are in a fit state, and such that the public will purchase them. It is only during one month, when a large number are spawning, that they will not bear 25,988. the carriage, and the public will not eat them. During May and June there is a great demand for these oysters, and the market is abundantly supplied with them.

If the Convention Act has no force within the 3-mile limit, these Orders in Council are invalid; and that such is the case seems to have been suspected, for upon a complaint made by the people of Falmouth against the taking of small oysters by east country boats for the purpose of laying down in the Kentish beds, the Collector of Customs applied to the Board of Trade, and he received the answer that "the Board were not prepared to "recommend the adoption of legal measures in such a case—there appearing to be great "doubt as to the meaning of the Acts by which the oyster fisheries are regulated, and "as to their application."

Contemporaneously with all these restrictions of doubtful legality upon the south coast, both within and without the 3-mile limit, oyster-fishing on the east coast within the limit and in the estuary of the Thames appears to have enjoyed perfect freedom, people dredging, moving oysters, or selling them, exactly as they please.

It has already been said that it was not till the year 1852 that the regulation in the Convention Act as to the close season was strictly enforced by the Government of this country. Instructions were then given to the Customs authorities, to the Coastguard, and to the cruisers in the Channel, to carry out the Act as regards close-time as strictly as possible, not only outside the three-mile limit, but also within that limit, with the exception of the beds on the east coast already referred to.

The enforcement of the close season worked a revolution in the oyster trade. It had been the practice on the beds off Jersey, and off the south coast generally, and in most of the bays, to dredge throughout the summer for the oyster brood; the small oysters thus taken were laid down in beds along the south coast at Langston harbour, Chichester harbour, Newhaven, and Shoreham, and to the eastward on beds in the mouth of the Thames; and comparatively few oysters came to market which had not lain a year at 20,764. least on some one of these beds. It is alleged by many of the witnesses examined by 25,677. us on this subject, that the effect of discontinuing dredging during the summer months, 60,336. has been to do far more injury than good—that it has allowed weeds and slub to 61,740. accumulate on the ground, which under the old system were prevented from settling on the ground to the same extent; that the spat falling upon this foul ground has been choked by weeds and mud, and that consequently the oyster beds have almost disappeared.

We feel great difficulty in expressing an opinion on this point. It is clear that everywhere for the last five or six years there has been a great deficiency of brood, arising from failure of the spat—this is equally observed on the private grounds where the oysters have been in the habit of breeding, such as the Whitstable and Colchester grounds, on the open beds where dredging for spat during the summer months has been permitted by the Government, and everywhere in the bays, and off the coasts of England and the east coast of Ireland. For the last three or four years there has been very little spat, and brood which was selling four years ago at 5*s.* the wash could not in the beginning of 1865 be had at 20*s.* The only places from which it was possible to obtain brood in any quantity were the beds on the west coast of Ireland. It is not, therefore,

surprising that there should be generally a complaint of the falling off of full-grown oysters; and where such falling off has been observed, it is difficult to trace whether the decline is, wholly or partially, due to over-dredging and to the taking of young oysters; or whether it is due to the neglect of dredging during the summer months; or whether it is caused neither by one or by the other, but solely by the failure of spat.

I. Very shortly after the enforcement of close-time, the deep Channel beds were discovered which have of late been so much worked, and which have produced very large returns to the oyster dredgers; indeed the Jersey dredgers, and the fishermen along the south coast as far as the Solent, have devoted themselves entirely to these banks. They are to be found in deep water in from 15 to 24 fathoms in all parts of the Channel between Dunkirk and Cherbourg, and probably farther, and show no sign at present of giving way; if any bank is over-worked, the fishermen have found no difficulty in finding others. The fishermen think that these, like other beds nearer the coast, have been deficient in brood the last three or four years, but the stock is so great that the diminution of take has not been apparent.

The oysters are large and coarse, but improve on being laid down on beds inshore for a time; but they will not stand the winter on the Kentish beds, probably from being accustomed to a deeper water, and therefore a less variable temperature, than the small native oyster. The price of the "channels," as they are called, was in 1865 only 12*s.* a bushel as compared with 80*s.* to 90*s.* for the "natives." The channels, however, run from 400 to 900 to the bushel, while the natives make 1,500 to 1,900.

Upwards of 300 vessels are employed on this work, each of about 25 tons and carrying six men. They hail generally from Colchester, Rochester, and Jersey, but they take their produce to Shoreham, Newhaven, or to the beds at the mouth of the Thames. During the open months the beds at these places are stocked with a supply sufficient to last, as far as possible, through the close season; and during the summer months these large oysters are in great demand at fairs and races throughout the country, and the price generally rises slightly, which is the inducement to merchants to hold back. This supply only ceases when the oysters become sick from spawning, when they will not bear carriage; the oysters are then kept back for about a month, and are not sent to market again till the spawning is over. We found it everywhere the opinion of fishermen engaged in the deep-sea dredging, that May and even June might be added to the open season with advantage, on the ground that the oysters are never in better condition than they are in these two months—that if permitted to dredge them, these fishermen would be able to bring in much greater supplies, as they are often prevented during the open months by bad weather from dredging in such exposed grounds; and, lastly, they say that dredging the ground during May and June would prevent the growth of weed, and prepare it for the reception of spat. 59,380–6. 25,689. 59,449–53. 59,456.

The regulation in the Convention Act as to not dredging by night is not observed by these fishermen; fine weather during the winter months in the mid-channel is precious, and they make the most of it, dredging day and night. They carry four dredges to a boat with rings of $2\frac{1}{4}$ inches in diameter, so that they take very few small oysters. It may be doubted whether the merchants would take the small oysters for laying down, for as they will not stand a cold winter, it is not worth their while to buy any but those they can send to market the same year. 25,290.

A very large supply of these oysters is exported from Newhaven to France, and there are also great numbers of French oyster dredgers working on the same grounds. There is no conflict between them and the English boats. The ground is very extensive, and experienced fishermen are of opinion that there are many beds yet undiscovered. Complaint, however, is made against the Frenchmen for not observing the regulation about cultch. 25,687. 16,678–830.

There is another exposed deep-sea bed on the east coast of England near Great Grimsby; it is 10 or 12 miles from the shore off Spurn Point, and is closely worked by the Colchester boats during the summer months; it is stated that they have obtained the permission of the Government to do so, but we believe that this is not the case. The reasons given for working it in the summer are, 1st, that the ground is very exposed for winter dredging, and, 2ndly, that the ground is so heavy that they cannot properly dredge it in the winter, the oysters sticking closely to the ground, but that in the summer the ground being looser, they can work the oysters better.

At Arklow, again, on the east coast of Ireland, the oysters are large, and lie in deep water; since 1846 the fishermen have had the privilege of dredging their banks in the month of May, though with the restriction that the oysters so dredged up shall be for the purpose of replenishing private beds, and for no other purpose whatever. Their oysters are not fit for immediate consumption; the greater number of them are sent to Beaumaris, laid down on the beds there for a short time, and then form the chief supply of Liverpool and the manufacturing districts during the summer months. The result appears to be much the same, therefore, as if the dredging of oysters for sale in the market were permitted during the greater part of the close-season. The fishermen at Arklow express themselves well satisfied with the opening of the month of May, and deprecate the closing of it again. They state that the coast is very exposed, and that May is the month in which they take most oysters, the weather being fine. The Arklow beds extend south a distance of 36 miles, and join with those opposite to Wexford. Here May is still a close month. On the Wexford beds there is also a limitation as to size, prohibiting oysters less than three inches being taken. The Wexford beds are in deeper water than the beds further north, and the 3-inch oyster is said to be no better than a $2\frac{1}{2}$ inch oyster of the Arklow ground. This restriction as to the 3-inch oyster appears to have been made in consequence of a great destruction of small oysters which used to take place. At that time the buyers would not take away the small oysters; they bought from the fishermen all that was brought to shore, picked out the saleable oysters, and left the refuse to perish, and thus large quantities of small oysters were wasted. Latterly, a demand has grown up in France and on the Kentish and Essex beds for small oysters, and several Jersey boats have been fishing off the coast. Complaints are made against them by the local fishermen for carrying away the small oysters. The latter are content with the restriction as to 3 inches, but we believe that it is not generally observed, nor do we think that any means could be adopted to secure its observance by the Jersey boats; and, as we have already intimated, it is very doubtful whether this regulation could be enforced beyond the three-mile limit.

60,492.

38,353–4.

38,442–39,043.

II. We now proceed to consider the oyster beds which lie within the three-mile limit.

We shall consider them under two heads. (1.) the oyster beds of Kent and Essex, chiefly in the estuary of the Thames; (2.) those on the South and West Coasts of England, in the Solent, Portland Bay, Falmouth Harbour, Milford Haven, Swansea Bay, and Carnarvon Bay; in Ireland—those of Clew Bay, Sligo, Tralee, Lough Foyle, Belfast Lough, and Carlingford; in Scotland—of Loch Ryan and the Forth.

The distinction between the two classes is this, that on the public beds included under the first class there has never been a close-season observed, and no attempt has been made to enforce a restriction as to the size of the oyster taken from them. The dredging is carried on in the summer months for the express purpose of taking the brood or small oysters, and when taken they are laid down, and carefully cultivated on the private beds. In the second class the close-time is everywhere strictly observed, as well within the three-mile limit as without; in some of them a restriction as to size is observed, and in most of them the fishermen are opposed to taking the brood, on the ground that it injures the beds.

It becomes a very material question with a view to an increased supply to the public, which of the two systems is in the course of a long period likely to produce the greatest quantity of eatable oysters.

The system pursued in the estuary of the Thames is a very ancient one, while that which now exists in most of the bays and inshore beds on the coast of England and Ireland is comparatively modern; certainly in most cases not earlier than the Convention Act, and in many only dating from the time when that Act was enforced, namely, in 1852.

1. In the oyster fisheries of the estuary of the Thames it has always been the practice of the fishermen to dredge the open or public grounds for the "brood" (as the young oyster is termed when it has attained a diameter of from half an inch to an inch and a half), regardless of the season of the year or the age of the fish. The brood thus obtained is laid down on beds the property of companies or individuals along the coast of Kent and Essex.

Of these private oyster fisheries the most important are the Whitstable and Faversham fisheries on the Kentish coast at the mouth of the Swale, and the Colchester and Burnham fisheries in the rivers Colne and Crouch; and there are numerous other grounds on the Essex coast, in the estuaries of the rivers Crouch, Roach, Colne, Stour, and Orwell, and on the Kentish coast, in the Medway and Swale The public grounds from which

these beds are supplied with brood lie off the Kentish coast on what are called the Flats from near the Isle of Sheppy to Margate, and off the Essex coast from the entrance of the river Crouch to Harwich. The Blackwater river, which is a considerable expanse of water, is also open ground.

The open ground on both coasts is very closely dredged for brood, mainly during the summer months, and this partly because during the winter months the small oyster will not bear carriage even for a short distance, and partly because during the summer months the ground is loose, and the weather is such that it can be much more closely dredged than in the winter.

In consequence of a succession of bad breeding seasons, there has been little or no brood found on these beds for some time past, and full-sized oysters are very scarce. In the early part of 1865 we were told that men often hauled a dredge five times without finding a single oyster, and even when there has been a good spat on these grounds for two or three successive years, the ground is, after a time, so much cleared that very few large oysters are to be found. This appears to have been always the case. These grounds have from time immemorial proved the sources of supply for all the private beds on both sides of the Thames, and the same close dredging by hundreds of boats has been going on in the summer time for generations back, and yet, with fluctuations, a supply of brood is always to be found. A difference of opinion exists as to whether this supply is the produce of oysters which are left on the ground, or whether it is the spat of those which are lying in the various private beds which adjoin this ground, and which has been drifted down on the public grounds by the tide. Some witnesses were of opinion that it is impossible so completely 59,522.
to clear ground of its oysters as not to leave sufficient to supply spat for it in a good 58,608.
breeding season. On the other hand, it has been represented to us that this open ground has been so completely denuded of the parent oyster that the spat which settles on it must have come from the oysters lying in the private grounds, such as the Colne and Burnham rivers, and the Whitstable and Faversham grounds. At the same time it is the opinion of all that when a good spat year occurs, all the private beds which are fit for the reception of spat and the public grounds share in it.

We found it to be the universal opinion of the fishermen on all these parts of the coast, that if the Convention Act were strictly enforced on these public grounds, a close-time adhered to, and a limitation enforced as to the size of the oysters, it would be fatal to the general prosperity of the dredgermen and to the interests of the private companies.

The reasons given are to be ranged under the following heads:—

1. That if the brood were left on the open grounds a very small portion only of it might come to maturity, or reach the market as large oysters.

58,200. What would be the effect of carrying out the Convention Act, and preventing you from dredging for young oysters in the close months?—If we were prevented from working on the ground in the close months it would materially injure us no doubt. It is very possible that it might be the occasion of our losing a great portion of our oysters. There is no telling when the vermin would set in. Whenever a bed of five-fingers moves and settles itself upon the oysters, there they lie, and destroy everything before them unless they are removed.

59,747. I know a case in which a bed of oysters was found in the Channel. It was at the end of the season, and they were very small, so the persons who found them thought they would not go for the purpose of catching them until the commencement of the following season; but when they went they found that they were all dead, having been killed by the five-fingers.

2. That oysters which have reached $2\frac{1}{2}$ inches in diameter on the open grounds never are so delicate as those which have been raised from brood on the private grounds, and that, therefore, if the taking of such brood were prevented the markets would be supplied with an inferior article.

3. That on the private beds great care is taken of the brood thus secured, so that one good spatting season will supply the private ground with sufficient brood to keep up a constant supply of large oysters for four or five years, and thus the supply of natives is husbanded, and bad breeding seasons are compensated.

4. That dredging during the summer months prepares the ground for the reception of spat. That if there were no dredging during the months of May and June, there would be a growth of weed and a collection of mud which would unfit the ground for the 58,622.
reception of spat, and that it is not to be expected that men will dredge these open 61,562.
grounds during the summer months unless they are permitted to sell what they take up.

5. That the summer months are those in which the brood is most easily dredged. Mr. Nichols, the foreman of the Whitstable Company, thus describes it:—

"Although one might think that under water the weather would make no difference to 58,293.
"the ground, that is not really the case. It is only when the weather is warm that the "ground is loose, and we may then catch brood in a spot where we could not catch it at "all in the winter. In the winter time the ground gets quite close and hard and we "cannot catch it at all."

61,567–71. 6. That where the prosperity of the oyster beds require that for a short period, after the spat has been deposited, there should be no dredging, lest the young oysters should be injured by the dredge—the fishermen themselves, without any legislative restriction, abstain from working, in part from a sense of their own interest, and in part because the owners of private beds would refuse to buy brood of them at such time.

Of the private fisheries in the estuary of the Thames the most important is that of the Whitstable Company. It is probably the most productive oyster bed in the world, though its extent is but small. It lies immediately off Whitstable, and is protected from the easterly winds by a spit of sand which runs out from the shore for a distance of 1½ miles. Inside of this the ground which belongs to the company is about two miles in extent each way, but at present not more than two square miles are cultivated. Except during very extraordinary tides the beds are never uncovered at low water, the depth not falling below from four to six feet. From this comparatively small piece of ground the produce of oysters is very considerable.

58,222. 58,229. The company is an ancient corporation of fishermen in the nature of a guild, and is probably an example of the ancient guilds which were formerly so common in this country. They had from time immemorial been working on their present ground, but in the year 1793 they were empowered by Parliament to purchase the exclusive right of fishing from the lord of the manor on the ground where previously they appear to have been only customary tenants. At that time they were only 36 in number and they had to borrow a sum of 20,000*l.*, which was subsequently increased to 30,000*l.*, for the purchase of the ground and for stocking it with brood. Their numbers are now increased to 408, including widows, and of these about 300 are working members. They have succeeded in paying off their debt; their annual receipts are now sufficient to enable them to lay out a great amount of money in the purchase of brood, and they have a stock of oysters in hand which is valued at a very large sum. At the commencement of the season of 1862–3 their stock was valued at 400,000*l.*, and during the season they sold oysters of the value of 90,000*l.* The company is governed by a foreman, deputy-foreman, treasurer, and a jury of 12; the officers are elected by the whole body and the jury is nominated by the officers. The only persons who have a right to become members of the company are the sons of dredgermen. The officers and jury decide what shall be the quantity of oysters dredged up and sold in the market, and what amount of brood shall be bought, and how much shall be paid to the members for work done for the company. The rate of wages varies according to the quantity sold and the price of oysters; on the average of the last 18 years the rate of pay to the members has been 23*s.* per week; the last few years it has been considerably more, and a bonus was divided in 1863 of 20*l.*, and 1864 of 16*l.*, so that the amount each member has received during the last 12 months has been altogether 100*l.* The widows of members are also entitled to one-third of the pay which working members get. Between 33,000*l.* and 34,000*l.* has been paid over by the company to its members in the course of one year. For this pay the average work performed by the dredgermen, during the open season, when they are engaged in dredging up oysters for sale in the market, is about two hours a day; and during the close season, when they are occupied in dredging and clearing the ground and moving and separating the oysters, four hours a day. The rest of their time is generally occupied in dredging the "Flats" for brood, which they sell to the company for laying down, and in good years they often make more by work outside than they receive from the company itself in wages.

58,137. 58,139. 61,574.

There is no legal close-time for these beds, but it has been the practice of the Company, from time immemorial, to observe a close-time of their own; they cease dredging for oysters for market every year on a day fixed by the jury, usually about the 9th of May, and commence again about the 3rd of August. During this period, though no oysters are supplied to the London market, the men are constantly employed in dredging for the purpose of clearing the ground, preventing the accumulation of mud and weeds, killing the enemies of the oyster, such as five-fingers and mussels, and separating the larger from the smaller oysters; the larger are set apart on a portion of the ground from which the market is supplied during the open season. This dredging goes on throughout the close season, with the exception of an interval of a month, usually in June or July, when the spat is observed settling on the beds; whenever this is ascertained the fishermen leave off dredging, on the ground that the dragging of the dredge over the young oysters before they are sufficiently formed may be injurious. Mr. Nichols, the foreman, informed us that they generally find that they have a good spat on their grounds in years when a good spat is found on the open ground outside, but that when there is no spat outside, neither is there any to be found on their own ground. They have

58,320.

had no good spat on their grounds, nor has any been observed on the flats since the year 1858. He further told us that they do not expect a good spatting season oftener than once in every six years, that a good season has generally been followed by one or two seasons of moderate spat, but that one good season would supply them with sufficient brood for six or seven years. On one occasion within his recollection there was no spat upon the flats for 13 consecutive years.

In the year 1858 the spat was very abundant, and the great quantities of brood which were secured in that and the three following years, formed the stock from which the market has ever since been supplied. The purchase of the brood from the open grounds has always formed by far the largest portion of the business of the Company, and if the Company had been dependent upon the spat deposited on its own grounds it is obvious that they would have furnished but a small portion of the full-grown oysters which have yearly been sent to market.

The following is a return of the quantities of spat yearly bought by the company, the price paid for it, and the quantity and price of full-grown oysters sent to market.

July to July 1st.	Quantities of brood bought from flats and Essex.-	Cost.	Average per wash.	Value of Natives sold.	Average price per bushel of Natives.
	Wash.	£	s. d.	£	£ s. d.
1852–3	63,853	15,240	5 0	49,671	2 2 0
1853–4	55,907	16,200	6 0	29,585	2 7 0
1854–5	44,101	15,969	7 4	31,449	2 9 0
1855–6	30,004	10,322	6 6	28,995	2 1 0
1856–7	40,704	11,250	5 6	28,725	1 18 0
1857–8	77,844	21,057	6 9	7,681	2 2 0
1858–9	134,878	28,711	4 3	54,400	2 2 0
1859–60	83,481	19,839	4 9	48,028	2 2 0
1860–1	49,709	16,033	6 6	31,413	2 2 0
1861–2	84,937	36,713	8 6	68,654	2 2 0
1862–3	22,499	13,389	10 6	90,892	2 8 0
1863–4	15,234	14,553	18 0	70,960	3 8 0
1864 to March 1865	6,183	4,087	17 0	*	4 10 0

This return makes apparent the extent of the trade carried on by the Whitstable company. It also shows considerable variations in the quantities and prices of brood obtained from the flats and the Essex beds; thus the quantity amounted in 1852–3 to 63,853 wash; in 1855 it fell to 30,004, but rose in 1858–9 to 134,878, from which there has been a gradual reduction again to the small amount of 6,183 in the last season. The return of prices of native oysters sold by this company for the last 40 years shows an average price per bushel of 2*l.* 1*s.* 0*d.*; for the 10 years previous to 1862–3 it was 2*l.* 2*s.* 6*d.*, but it rose, in consequence of the scarcity of brood, in 1862–3 to 2*l.* 8*s.*, in 1863–4 to 3*l.* 8*s.*, in 1864–5 to 4*l.* 5*s.*, and in 1865 to 6*l.* Appendix, No. 28.

The Faversham Company owns a bed higher up the Swale than the Whitstable Company; it is formed on the same model, but does not carry on so large a business. There are also oyster fisheries at Queenborough, Rochester, and Sheerness, and the Sea Salter, Pollard, and Herne Bay beds. Under an Act of Parliament passed in 1864 the Herne Bay Company acquired the exclusive right of fishing over a large extent of ground, which is seven miles along the shore by one in breadth, lying between Whitstable and Margate. The bill was strongly opposed by the Whitstable Company on the ground that it appropriated a considerable extent of ground on which the public generally, and especially their members, had been in the habit of dredging for brood whenever there was a good spat, and that exclusion from this ground would operate as a hardship upon their members.

The desirability of thus appropriating public grounds for the formation of private beds will hereafter be considered at greater length.

The principal private fishery on the Essex coast is that in the river Colne. The fishery is vested by ancient charters in the Corporation of Colchester, who have from a very ancient period licensed the inhabitants of Colchester and other parishes adjoining the river, who have served their legal apprenticeship, to fish. For each licence they have been in the habit, since the time of Queen Anne, of charging two guineas, the produce of which has been carried to the use of the corporation. For some time past there has been litigation between the corporation (which does nothing for the improvement of the fisheries), and the licensed fishermen, as to the right of the former to withhold licences 59,023–441.

* Returns not made up.

and to increase the charge for them. The question is immaterial to the present inquiry, but it may have an important bearing upon the conduct of the fishery, for till this is settled there must be difficulties in providing the capital which ought to be laid out in the proper culture of the beds. The number of the licensed fishermen has greatly increased of late years; 24 years ago they were 280 in number, now there are 407; they are governed by a jury taken from a panel of the most intelligent and competent fishermen, selected by the water bailiff, who is an officer named by the corporation. Rules for the guidance of the jury and the fishermen were agreed to in 1827 by the fishermen and confirmed by the corporation.

These rules direct that there shall be a close-time, to be fixed annually by the jury; that oysters under $2\frac{1}{4}$ inches shall not be taken up; that cultch or spat shall not be taken from the grounds, and that five-fingers and mussels found on the ground shall be destroyed. The jury determine what shall be the stint, or take, of oysters each day and the rate of pay for the same to the dredgermen. The jury have also the power of directing any work upon the beds, either for the purpose of removing the oysters from one part of the river to another, which is always done during the close season, or for the removal of five-fingers, or weeds, if they should think it necessary. The produce of the fishery is sold by the company of fishermen and the receipts placed to the common account; out of which wages are paid to the men, while the profits are equally divided among the members, the widows also getting a share.

It is some years since the company has bought any young brood for the purpose of laying down, though it would appear that the profits might thereby be considerably increased; the legal difficulties attending the giving a security probably interfere with so doing. As it is the company depends entirely upon the brood of its own oysters; but there has been no spat since 1859, and the beds are still stocked from the produce of that year, which was very abundant. Oysters are, therefore, extremely scarce upon the ground. The water bailiff told us that the company is entirely dependent on nature for a spat; "If nature will only give us a spat, we have nature's carpet here spread out for "it." No attempts to collect the spat of oysters artificially had been successful.

Besides the Colne Company, there are many other private beds on the coast of Essex; some of them, however, are only feeding beds, and not beds on which the spat falls.

These beds are all mainly supplied with brood dredged from the public grounds, of which there is a considerable extent lying off the coast, generally within three miles of the shore, and on which the Colchester men are employed in dredging during the close season. There are also public grounds in the Blackwater river, and to a small extent in the river Roach; where after a good spatting season a large amount of brood is obtained.

We have been particular in describing these two great companies, at Whitstable and Colchester, because they supply instances of incorporations of fishermen for the purpose of carrying on the trade of oyster dredging; and the regulations which they observe in the cultivation of their grounds must necessarily throw considerable light upon what fishermen think is desirable.

They both observe a close-time in the sense that they do not send their oysters to market during the summer months; they observe a limit as to the size of the oysters they sell; they carry out a restriction upon the quantity of oysters permitted to be dredged and sent to market; and they both devote a considerable amount of labour to their beds during the summer months, and particularly May and June, in removing their oysters from one part of the ground to another, and also in clearing the ground and in destroying five-fingers and other enemies of the oysters. They have both suffered from a want of spat of late years. They differ only in this, that the Whitstable Company buys a very large amount of brood when it is procurable, and consequently has still a large stock of oysters in hand; whereas the Colchester Company not having done so, and having to rely upon its own supply of brood, is at present greatly in want of oysters.

The present condition of the Colchester beds shows that a succession of bad breeding seasons will produce upon a private oyster bed the same deficiency of oysters and appearance of exhaustion which on public oyster beds is so often laid to the charge of over dredging, although on the private beds there has been every effort made by regulating the amount and times of dredging and by clearing the ground for the reception of the spat to maintain a permanent stock of oysters.

2. The principal oyster beds on the south coast of England within the three-mile limit are those in or adjacent to the Solent, Portland Bay, and Falmouth Harbour.

There are oysters to be found in nearly every part of the Solent: they are dredged for by small boats belonging to Portsmouth and Southampton, and also by boats coming from the eastward. The produce is laid down on beds in the Newport river, Southampton Water, and Langston Harbour, or is sent eastward to the Kentish or Essex beds. The oysters are very scarce at present, in all probability from the want of spat for the last few years; but the fishermen also attribute the falling off either to over-dredging or to the taking of undersized oysters, or to the prohibition of dredging during the close season, in consequence of which the ground is said to have become very foul, and unfit for the reception of spat. Before the Convention Act was enforced in these localities as it now appears to be, the oyster fishermen in Langston and Chichester harbours observed a close-time of their own from about the end of May to the middle of July. 60,387. 61,740.

In Portland Bay we also found complaints of the falling off of oysters, and of the removal of small oysters for laying down on the Kentish beds. There are very few local boats employed in oyster dredging, but when oysters are to be found there, vessels come from the eastward and dredge them up, great and small. The local fishermen desire to see a restriction carried out, limiting the size of the oysters taken to above two-and-a-half inches. 20,000–18. 20,391–8. 20,451–64.

At Falmouth we found the same scarcity of oysters, and the same complaints against the export of small oysters to the Kentish beds; but objection was not taken to laying down the small oysters on private beds at the head of the harbour.

Mr. Williamson, who is largely engaged in the oyster trade, gave us the following evidence on this point:—

23,245. Then you would not think it expedient to prohibit the dredging up of small oysters from the natural oyster beds?—Not in that case, provided you were to lay that embargo on the exportation of the oysters.

23,246. But you would allow the dredgers to take up oysters of almost any size?—If the people in the port who have grounds were allowed to take small oysters they could grow them very fast on those grounds. The water is much warmer there in the summer time, and the oysters would come to maturity faster.

23,247. Then your objection is to the waste which is involved in taking oysters away before they are properly grown?—My objection is to taking up a vast quantity of oysters and shells and carrying the shells away with the oysters at a time when they are covered with an enormous quantity of the brood, and by that means all this brood is lost.

23,248. But if the brood were merely transferred to the oyster beds you think it would be doing good rather than harm?—Yes, I think so, and in addition to that it would give employment to many people in this port.

23,249. But how about the oysters, would they be all the better for it?—Yes, I think so; they would come to maturity much sooner.

23,250. Then what I understand you to say is this: you would prohibit the exportation of small oysters and brood, but you would not object to their removal from the natural oyster grounds to be laid down on your grounds in order that they might grow?—That is the course I would adopt. I think that would be the best plan for the protection of the oysters, and in that case one man, provided by the Government, would be sufficient to do all the work.

The fence months have been here strictly observed only during the last ten years, but, owing to the want of spat for some years, it is impossible to say whether the restriction has tended to the advantage of the fishery. Upwards of 200 boats, mostly row boats, are employed in dredging, and the general feeling of the fishermen is in favour of the maintenance, and in some cases of the extension of close-time, and of a restriction in the size of oysters permitted to be exported, to two inches.

There are oyster beds of considerable importance in Swansea Bay and Milford Haven. At the former place the regulations of the Convention Act as to the size of the oysters permitted to be dredged and as to close-time are strictly enforced. It is the custom, however, for the fishermen to lay up during the open season large stocks of oysters on beds between high and low water from which they supply the market during the close-season. Complaint is made of the decrease of the supply of late years, but there is a difference of opinion as to whether it is due to over dredging or to bad breeding seasons. The number and size of the boats engaged in dredging has greatly increased of late years, but so also has the price of oysters owing to the opening up of markets by the railways. 57,898. 57,605–97. 57,863–70.

In Ireland the principal oyster fisheries in bays and loughs are those of Lough Foyle, Belfast Lough, Carlingford Lough, Waterford, Cork, Clare, Clew Bay, and Sligo Bay. Mr. Ffennell, who was for many years one of the sea fishery inspectors in Ireland, gave us a detailed account of these beds, and the effect upon them of establishing a close-time, which he thinks has been beneficial; and the evidence taken by us at those places we visited, showed that the beds were in 1864 well supplied with oysters. They have not, however, suffered as the English beds have, from the failure of spat; and, in the

absence of accurate data as to the comparative supplies, it is difficult to trace with certainty the effect of any regulations.

Besides the enforcement of the close-time, in many of the Irish oyster-beds there have been regulations as to the size of the oysters permitted to be taken, and where such is the case it is also forbidden to dredge during the night. At Clew Bay, where these regulations have been made, and where also the months of April and September have been added to the close-season, it has been found very difficult to prevent the sale of
60,606. small oysters. It is alleged that at one time great quantities of them were taken for the purpose of curing, and many more were brought on shore, and thrown on the beach to perish. But the last few years, in consequence of the deficiency of spat elsewhere, a demand has grown up for brood, and it has been found almost impossible to prevent its sale. There are upwards of 200 small boats engaged in dredging, and the coastguard stations in the bay are three in number, with six to eight men in each. Though they were reinforced in 1864 by a Government cruiser, the take of small oysters was not prevented, and several cargoes were shipped for laying down on private beds even so far
44,212–38. off as the Thames. We were informed by the coastguard officer in command that he would require at least three times the force now at his disposal in order effectually to carry out the byelaw. Complaint is made that there is no power under the law, as it now stands, to search vessels which are known to have small oysters on board, or to seize oysters taken in contravention of the byelaw.

At Carlingford the open season is reduced to four months, and the regulation as to size is duly enforced, the coastguard officer having 32 men under him, who are employed in this task. There are 220 boats, with 460 men, now employed in the fishery, as compared with 357 boats and 887 men employed some 30 years ago; but for a lengthened period it is alleged that the oysters completely disappeared from the lough, owing, as we were told by some of the fishermen, to a great gale which smothered the oysters with sand, and they have only reappeared within the last three or four years. The fishermen who gave evidence before us were satisfied with the limitation of the open season, but complained of not being allowed to sell during the close-season the oysters which they had laid down during the open season; a further complaint was made on behalf of the women and children who had been in the habit of collecting at low water in spring tides oysters which are found among the rocks, and which therefore cannot be dredged, and who in consequence of the curtailment of the open season are now debarred from that source of profit.

27,008. In Scotland the only important beds are those in the Forth and Loch Ryan; they are
27,008. private property, and the fishermen pay for a licence to dredge. In the Forth there is no
27,136. dredging from April 30th to September 1st, and the taking of small oysters is forbidden, but great difficulty has been found in enforcing this restriction. In Loch Ryan the number of boats permitted to dredge is at present limited to 12 in September, and 24 during the remainder of the open season, and the sum of 5*l.* per month for each boat is paid to the owner. Very strict regulations are enforced so as to prevent the sale of small oysters.

III. Reviewing the oyster fisheries which have been thus briefly described under these two heads, it will be seen that the difference of the systems pursued in them consists firstly, in the maintenance of a close-season; secondly, in a restriction as to the size of the oysters permitted to be taken.

With respect to both of these points, in the estuary of the Thames the witnesses examined by us all agree in deprecating any interference by legislation; they maintain that no benefit would result from such measures to the public grounds, while the private grounds would be all but ruined, and that the average supply of oysters to the market would be greatly diminished; and though their grounds have been without any spat for some years they do not attribute this in any way to over-dredging, but solely to natural causes over which they have as yet no control. They confidently expect that when a favourable season recurs their grounds will again be supplied with brood.

On the other hand, the local fishermen who dredge the beds in shallow water and in bays on all other parts of the coast are, with few exceptions, in favour of the maintenance of a close-season; they are also opposed to the taking of small oysters for the purpose of laying them down on beds distant from their own neighbourhood, though they are not generally opposed to moving them for the purpose of laying them down on beds of their own.

IV. We may now proceed to discuss these questions in detail.

We conceive it to be satisfactorily proved that any interference with the working of the private oyster beds during the close-time would be highly injurious. It is conclusively shown that it is only by very careful working and superintendence that the injury resulting from the deposit of mud and the growth of weeds can be repaired, and that the destruction of the oysters on the great scale by inroads of mussels which choke them, or of five-fingers which devour them, can be prevented. Some of the evidence which has been laid before us in these heads is worthy of the most careful attention. 58,617–58,619.

58,397. Do the mussels on the ground interfere with the oysters?—If we got mussels among the oysters, they would very soon smother them.

58,617. Do you agree with Mr. Nichols, that if the spat were left on the flats it would never arrive at maturity, but would be strangled by the five-fingers?—Yes, I am very strongly of that opinion, and we have had it proved.

58,618. What ground have you for thinking so?—That has been the case when any of the spat has been left there. In 1860, when we had our last spat, some portion of it was left there in the winter time, when we could not go to work upon it, because if we had taken it away and laid it upon our grounds it would have been killed by the frost; we therefore left it lying upon the flats, and when we went for the purpose of taking it in the spring of the year following, we found that it had all been destroyed by five-fingers.

58,619. Did you upon that occasion find many five-fingers upon the ground?—Yes, they came in like swarms of bees, completely filling the ground in a day. I never saw anything like it; we saw all the water filled with them.

61,561. I should like now, with your permission, to say a few words with regard to the necessity of maintaining a close-season. I think there can be no question of this, that if the close-season were enforced upon the Whitstable ground it would ruin the fishery altogether. There is no question at all about that. I quite agree with what Mr. Smith said, namely, that the ground upon which freshets are constantly coming and bringing sullage with them require to be continuously cleaned. Then again a heavy gale of wind will come on, and roll up the oysters in a ridge three feet deep. Great injury would be done to the oysters unless they were worked, and by working them in the course of a day or two they would all be spread over again. When they are spread the mud all goes away, but if they were left on that ridge the mud would settle all round them and kill them very rapidly. In the next place, that ridge, if allowed to remain, would cause an eddy and a fresh deposit of mud all round it for many yards. In the next place, it is just at that time of year that we want to work on account of the five-fingers coming upon the beds. They come like a flock of gulls and unless they were well dredged they would soon destroy the spat. There is one kind that will eat an oyster itself; yet it is a singular thing with regard to them that after they have been dredged for a time they roll themselves up and float away. So much is that the case that in places where the fisherman have caught 10 bushels of five-fingers one day they will go out the next day and not catch one. If during the close months the fishermen were unable to dredge, of course it would follow that the five-fingers would soon clear the oysters off the beds. To show the advantage of working the beds in the summer time, I may say that about four years ago, some time after the great spat in 1858, the Whitstable Company, when the oysters came, wanted more ground. There was a piece of ground about half a mile in extent lying on the east side of the regular ground, which had not been worked by the company, because they thought it was useless to work it. Well, they took it into their heads to work upon it and clean it, and it was said last year by two of the jury that since the time they had cleaned it they had sold off that piece of ground alone more than 150,000 bushels of oysters. Indeed that ground now is one of the best pieces of ground they have, and upon that half mile they lay their brood.

It is impossible to study this evidence without being struck by the great complexity of the conditions upon which the prosperity of an oyster bed depends, even if we look at the action and interaction of mussels and starfish alone, without considering any other of the numerous active and passive enemies of the oyster. Nor is it possible to be other than impressed by the necessity of extreme caution in concluding that any observed increase or diminution in the supply of oysters has arisen from any one cause.

The consideration of such facts as those here detailed leads us to attach very great weight to the opinion expressed by many competent witnesses, that the enforcement of a close-time in the open grounds is not only unnecessary but may be positively injurious, by allowing the accumulation of mud and weeds, and by permitting the five-fingers to commit their ravages without check. At the same time it can hardly be admitted that open-sea oyster beds must perish if not dredged, as some of the witnesses maintained. How could the beds ever grow to a sufficient size to be worth dredging if their very existence depended upon their being dredged?

In favour of the existing system of close-time it is urged:

a. That during close-time the oysters are unfit for food.

b. That dredging over the beds will crush and destroy the young spat.

c. That if the oysters are taken while breeding the supply must soon come to an end.

But to all these allegations very forcible replies are given:

a. It is generally agreed that not more than 20 per cent. or thereabouts of the oysters are ever spawning at once, at least 80 per cent. even at the worst of times being eatable and in good condition. The celebrated naturalist, Kröyer, who undertook an official examination of the Danish oyster beds, found not more than one oyster in ten spatting, even in July and August. 60,453. 60,462–5. 60,471.

b. Those who have been in the habit of dredging for marine animals, and of bringing up the most delicately-organized creatures in great abundance alive, will not be disposed to attach much weight to this objection. Every naturalist is aware that the most delicate Corallines and Ascidians may be dredged up roughly, placed in a bucket of sea water, and examined in full health and vigour after an hour's sail homeward under such circumstances.

The evidence of practical oyster cultivators whom we have examined on this point is worthy of careful attention. Mr. Buckland states:

60,222. The great thing is to have the ground clean, and, therefore, you ought to dredge before the young oysters are born, and the young oysters are born principally in May, June, and July. Therefore, the ground ought to be allowed to be scratched a little before that time, and you cannot dredge over the oyster beds too much.

60,223. Is there anything in the state of the law that interferes with what you consider to be the beneficial working of the oyster beds?—I believe that the months of May and June ought to be given up to the people, so that they may be able to dredge in the open sea, because it is at that time that the oysters are principally spatting in the open sea. Then I would take care of the oysters in the months of August and September, because they are weak then.

60,224. You would allow the fishermen to dredge in May and June, because the oysters are spatting?—Yes.

60,225. For what purpose?—To clean the ground for the young oysters.

60,226. They are not fit for eating at that time?—No.

60,227. Then they would dredge merely for the purpose of cleaning the ground?—Yes, previous to spatting. The moment I saw an oyster come up in a spatting state I would put a stop to dredging; but I would go on cleaning the ground until the oysters began to spat; then I would leave off directly.

60,228. Would not the people bring in the oysters they dredged up and sell them?—They would have no business to do so.

60,229. How would you prevent them, if you allowed them to dredge? You think it would be injurious?—It would be good for the beds outside.

60,230. Even if the oysters were taken?—Yes, because they cannot take all. If there is a good spat, you may clean, as you imagine, every oyster off the ground, and yet there will be plenty of spat left.

60,231. Have you positive facts tending to show that?—I have positive facts showing that if you do not dredge before the oyster throws its spat, there will be no place for the spat to fix itself and it will all die.

60,232. Can you give us a case in point?—Here is a sample from Rossmuck Bay, on the west coast of Ireland. There, I believe, they dredge in the early months, and the consequence was that the ground was clean for the spat. The oysters are taken from that ground, which is a beautiful breeding ground, and laid down on another ground that is good as a fattening ground. That is one of the reasons why they have always oysters on those grounds on the west coast of Ireland. There are a lot of little bays, and the oysters cannot get out.

60,233. What you speak of rather interferes with the deep-sea fishing, and not with persons possessing private parks. Is there anything that interferes with the working of the grounds belonging to private companies?—There is nothing to interfere with the working of the ground at Herne Bay, I believe; and I shall strongly advise the Directors of the Herne Bay Company to have boats hard at work at the beginning of May and throughout the month of June, in order that the ground may be made ready for the spat when it falls.

60,234. You are aware that the Whitstable Company dredge their ground all the year round, except when they see that spat has fallen upon the ground?—Yes, and that is quite right.

60,235. Is there any good reason for leaving off dredging them?—I would not leave it off too long.

60,236. Do you think that the passing of the dredge over the ground, when the young spat is falling, would injure the spat?—Mr. Wiseman can, perhaps, answer that question. (*Mr. Wiseman.*) I think not.

60,237. Is it likely to do harm to the small shell of the young oysters?—I think not. We find that the more we work the ground when the spat is falling, the more spat we have. I do not think that any injury is ever done to my grounds by dredging.

60,238. Even when you have observed that the spat has actually been deposited, and that it is adhering to the stones?—I lay by for a month, but there is a friend of mine who works all the year round, and he has more spat than I have.

60,239. Then you are of opinion that it is advisable to go on dredging all the year round?—Yes.

60,240. Do you think that raking up the ground when the spat is just adhering to stones and culch is not injurious to the young shell of the oyster?—I do not think it is injurious. I left a piece of my ground unworked for a month, and the consequence was, as I told you at Brightlingsea, that it became covered all over with a green mud.

60,241. Are you aware that the Whitstable Company cease dredging during that month in which they observe by the microscope that the spat is being deposited?—I was not aware of that circumstance.

According to the opinions expressed by this and other witnesses, not only is no harm done by dredging over the young spat, but positive injury is the result of not dredging over the ground before the spat is deposited.

But it is rare for the spatting to take place early in May, and if it does, as the young
60,259. oysters swim about for 22 to 27 days, dredging over the beds cannot possibly do them harm for the greater part, if not the whole month of May; while if, as is more usual, the spatting does not occur until June, July, or even August or September, not only may dredging during these months be totally innocuous to the spat on account of its not having settled; but, on the theory that dredging over the spat is injurious, great damage may be done in the two first of the open months.

Even admitting a certain amount of destruction from dredging over the spat, the question arises whether this destruction is likely to be greater than that which will result from leaving the oyster to the undisputed sway of mussels, star-fishes, weeds, and mud? This is a question which can only be decided by experience. In the present state of our information it can only be said that legislative interference is just as likely to do harm as good; and that so far as the present close-time is concerned, dredging in May must certainly have less effect upon the brood than dredging in September.

c. The great argument for close-time, that if oysters are taken while breeding the supply will be exhausted sooner than if they are left to breed, plausible as it seems, will hardly stand investigation. Those who employ it leave out of sight the fact that oysters are taken before they breed as well as after they breed.

If a sheepmaster owns a hundred ewes, all of which will lamb next February, it will make not the smallest difference to the increase of his flock whether he destroys ten of these ewes this July, or leaves them till they are just about to bring forth at the end of next January. The increase altogether depends on the absolute number of ewes which are allowed to bring forth and rear their young.

So with an oyster bed. Other circumstances being alike, the supply of oysters in the bed will depend upon the total number allowed to shed their spawn during the breeding season.

If on a given area there are 100 oysters, and it is needful to leave 10 to stock the ground, it will make no difference whether the other 90 are taken in January before they spawn, or in May when they are about to spawn; and if 10 per cent. are necessary to keep up the bed, the strictest observance of close-time during the months in which the oyster spawns will not in the least degree prevent the exhaustion of the beds, if 95 per cent. are taken away, before they spawn, in February and March.

If, in the case assumed above, every ewe brings forth only one lamb, at least 50 per cent. of the flock must obviously always be left, if the numbers are to be kept up. Suppose the sheepmaster were to allow a butcher to kill none of the flock during the lambing season, but to destroy as many as he pleased at other times, what sort of security would he have against the destruction of the whole?

Yet this is the precise effect of the law enforcing close-time in oyster beds. Cases have come to our knowledge in which, in the course of a very short space of time, newly discovered beds of a limited extent have been dredged to an unprofitable point by a large body of dredgermen coming from a distance. And if the means at their disposal for the purpose were adequate to the task, the oyster dredgers might carry away every adult oyster from a bed by the 30th of April. It is not the law, but the impossibility of dredging a bed clean, which prevents them from doing so; and it is in this impossibility of dredging up all the adult oysters upon a bed, and not in any close-time, that we are disposed to think the great safeguard against exhaustion lies.

If with the best possible will and large means it has been found impracticable to dredge a part of the bottom of the Thames bare of oysters, it may be held to be quite certain that it will cease to be profitable to work an open-sea oyster bed, long before it is exhausted of parent oysters to restock the bed. 61,607.

Every spawning oyster may be calculated upon to supply about 800,000 young. Reduce that estimate to $\frac{1}{80}$th of what it is, and it is obvious that no oyster bed is in the smallest danger of exhaustion from over-working alone, if only one per cent. of the breeding oysters are left. For suppose that of every 500 oysters only 100 breed during the season, and the spat of only one of them is shed, that one will, by the supposition, yield 10,000 young oysters, or twenty times as many as the original stock.

In fact, it is plain from the evidence which has been brought before us, that if the conditions for the development of the spat are favourable, it is produced on so enormous a scale that any check exerted by human influence is altogether insignificant; while, on the other hand, if these conditions are unfavourable, man is, in nine cases out of ten, powerless to affect them. Something he may do by clearing away weed and mud, and checking the growth of mussels and the depredations of five-fingers; but how is he to deal with changes of temperature, with gales of wind, with the multitudes of marine animals which prey upon the oyster-spat in all its stages, or with the currents which, by being a little swifter or a little slower than usual, or by deviating a few points from their ordinary course, may carry millions upon millions of nascent oysters upon sands or mud unfitted for their development?

If, as is alleged, the throwing open of the Channel fisheries during the present close-time would allow of the introduction of immense quantities of wholesome, though coarse, oysters into the market, we are unable to see that any of the arguments advanced in favour of close-time are of sufficient weight to justify interference with that branch of trade.

In conclusion, we are of opinion that any tendency to over-fishing will meet with its natural check in the diminution of the supply, that this check will always come into operation long before anything like permanent exhaustion has occurred, and that therefore legislative interference is altogether superfluous.

V. With respect to the prohibition of taking oysters below a certain size, we have already, in the case of the beds in the estuary of the Thames, reviewed the arguments in favour of the removal of small oysters from the public beds to private beds in their immediate neighbourhood, and the same apply to any other cases where public and private beds are contiguous. The only argument against such removal is, that by leaving the oysters on their native beds till they are full grown, a certain stock will always remain sufficient for breeding purposes. It is, however, certain that even if such a restriction be carefully and effectually carried out, two or three successive bad breeding seasons, which not unfrequently occur, exhaust the beds to as great an extent as if there were no such restriction.

The case, however, of the removal of small oysters from public grounds to distant private beds, as from Portland Bay and Falmouth Harbour to the Thames beds, is somewhat different. In these and similar cases great complaint is made by the local fishermen. It is not indeed to be wondered at that fishermen should look with jealousy at the exportation of small oysters, dredged up from the open grounds on which they have been in the habit of dredging to distant grounds in which they have no interest; they say, with much plausibility, that if these small oysters were left on their grounds they would grow into large oysters there, and would at some future time bring a large return to the fishermen. Assuming this to be so, and that there is no greater danger of destruction to the oysters from natural causes on the open beds than on the private beds, where they are carefully watched and tended, yet if it be the fact that the oysters so removed to a distant bed improve in quality and value to a much greater extent than if they were left on the open grounds where they were found, or even on the private beds in the neighbourhood where they would otherwise be laid, then it is unquestionably the interest of the consumer, that is, of the public, that such removal should take place. Suppose, for example, that 1,000 bushels of small oysters of about one inch to an inch and a half in diameter be dredged up in Falmouth Harbour or in the Solent, is it better for the public that they should be thrown back again on to their native beds, or removed to the beds at the mouth of the Thames, or laid down on local beds near the places where they were dredged up?

The question is answered by a reference to the quality and value of the oysters after they have undergone removal. The general state of the case is this—if the oysters are thrown back again on to their native beds they will at the end of two years, supposing them to survive the ravages of their enemies, be worth a certain price per bushel; if they are removed to beds in their own neighbourhood they will be secure from danger, and they will increase in value about one third; while if they are removed to the Thames beds, which are still better adapted for improving their quality, they will increase in value as much as 50 per cent.; and by this increase in value, as compared with the oysters laid down on the local beds, will the public be benefited. The beds at the mouth of the Thames are said to be better adapted than most others for the successful cultivation of oysters, partly in consequence of the nature of the soil and the supply of food which the water contains, and partly because the cultivation which is necessary in the way of dredging and cleaning the beds is better understood and more closely attended to than elsewhere. It is said, however, that a great many oysters are killed in the course of the voyage; we cannot think that the proportion so lost is considerable, because the persons engaged in this operation would very soon give it up if it were so; but if a certain small proportion be lost the question is in no way affected by it, for the fact that notwithstanding such loss persons still continue to send away the small oysters, of itself shows that a smaller quantity of oysters laid down for two years on the distant beds fetch a larger sum than a greater number laid down for the same time on the local beds.

We think, therefore, that whatever arguments there are in favour of a transfer of small oysters from the open grounds to private beds in the neighbourhood are equally in favour of their transference to distant beds; and we are consequently in favour of removing every restriction upon such transfer. And if any regulation regarding the culling of oysters is to be enforced, the minimum size should not be above that at which the oysters are capable of bearing carriage.

VI. Before leaving this subject it will be convenient for us to express our strong opinion that every encouragement should be given to the formation of private beds in all parts of the country to which the small oysters, wherever and whenever they are dredged by the fishermen on open grounds, may be transferred, and there cultivated and protected till they are sufficiently grown for the market. We believe that the maintenance of a continuous supply of oysters to the market to a great extent depends on this system being extended. It may be said, why not carry out on the public grounds, by regulations, the same system which is observed on private grounds? The answer is that the great distinction between public and private grounds is that on the latter dredging is carried out for the mere purpose of clearing the beds; in other words, capital is expended on the beds in the form of labour applied in dredging for which no immediate return is expected. Fishermen cannot be expected to dredge the public grounds without immediate returns, unless the exclusive benefit derived therefrom be secured to them; we might as well expect one of the public to spend money in cultivating a public common, the benefit of which would be shared by all and not confined to himself, as that one or more fishermen should dredge a public ground without immediate return.

To promote the application of labour to the beds, with a view to ultimate rather than immediate returns, we must give exclusive rights of fishing to the persons who so expend their labour, in order that they and not other persons may reap the benefit of their labour. In other words, as in the case of the common, the public property must be assigned to individuals in order that natural productiveness may be extended by the application of labour and capital. There are very few estuaries, bays, or loughs, where there are extensive public oyster beds, where there are not also beds which are by law or custom private beds appropriated to the feeding of oysters. Thus, adjoining the open grounds of the Solent, there are beds in Newport River, in Southampton Water, and in Langston Harbour. In Portland Bay there is a private bed in the Fleet Water. In Falmouth Harbour there are private grounds at the head of the harbour. In nearly all the Irish bays and loughs there are similar private beds contiguous to the public beds. We believe that there are many places where private beds might with advantage be created, and the cultivation of oysters both for breeding and fattening purposes might be extensively carried on. In Ireland this matter has for some years occupied the attention of the Fishery Commissioners. By 8 & 9 Vict. c. 108. they have power to set apart grounds on the sea shore for the purpose of forming oyster beds, and to give licences to the owners of the adjoining lands for this purpose, subject to a proviso that this power should not be exercised in cases where the public have been in the habit of dredging for oysters. This power did not extend further than low-water mark, and it was found not at all sufficient. Accordingly the 13 & 14 Vict. c. 88. s. 41. extended their power, and enabled them to grant licences so far as they may think expedient below low-water mark. Under these Acts some 34 licences have been granted, including an area of nearly 8,000 acres. Mr. Barry informed us "that the Commissioners had been a good deal embarrassed "by the proviso as to the public dredging. They had viewed the question liberally; "wherever there was anything like a really productive oyster fishery that would be "considered an object of commercial profit to the community, in such cases they had "never granted licences. But where there were only a few scattered oysters in a "locality, their existence rather furnished them with a proof that it was a favourable "spot for the purpose, and everything else being favourable they would in such cases "have granted licences." No such licences have been granted without holding a public meeting on the spot, and in some cases they have been obliged to give up the idea of forming beds in consequence of a public outcry against it. In other cases they have been obliged to limit considerably the ground sought for by the applicant. The result of the beds thus formed is not very encouraging, owing mainly, as Mr. Barry says, to the apathy of the individuals who get the licences and to their ignorance.

35,382. 37,210. 37,211. 37,195. 37,215.

37,199. Has that practice resulted in the establishment of profitable oyster beds?—No, I am sorry to say it has not generally.

37,200. Have the beds which have been formed been used merely as the oyster parks of Colchester?—I am sorry to say that in most cases, up to last year, the only effect that followed the granting of these licences was a little preservation upon the beds, and by that means there may have been a slight increase.

37,201. No new beds have been formed?—Very few. A small quantity of oysters has been dropped on some of the beds, but the only instance in which there is really an active operation in progress is in Clew Bay, near Westport, by Captain Austin, who is the owner of a large oyster fishery at Whitstable. He came over to this country, and took a lease from a lady, who had obtained a licence for establishing an oyster bed upon the shore. He paid a rent for the bed, and has since applied for an extension of the ground. He is really working now upon the English system—upon the Whitstable system—and I am sure he will do so profitably.

37,202. What he is doing, I presume, is to dredge the oysters out of the deep water, and lay them down in parks?—Yes, he buys them from the people, and has afforded immense employment to the poor people in the neighbourhood, who fish in all parts of the bay, and bring to him the oysters they obtain, which he purchases at a fair rate, and lays down on ground previously prepared for the purpose.

61,651. Capt. Austin informed us that in consequence of the byelaw restricting oysters permitted to be dredged in Clew Bay to 2½ inches, he had found great difficulty in purchasing small oysters for laying down on the bed he referred to. As the main profit to be derived from such private beds arises from the growth of small oysters to marketable oysters, it is obvious that such restrictions must greatly interfere with the prosperity and even the existence of private beds, and may to a considerable extent account for the fact that so little success has resulted from them.

In England no such power of granting licences for the formation of oyster beds exists. In very early times the Crown assumed the power of granting exclusive rights of fishery in the sea and tidal rivers, but that power was abridged by Magna Charta, and any exclusive fisheries which now exist are held either under charters from the Crown of an earlier date than Magna Charta, or by immemorial user, from which such grants may by law be presumed. The result is that, with the exception of the estuary of the Thames, where a considerable number of such grants were made in early times, there are very few places along the coast where exclusive rights of oyster dredging exist; and the beds we have spoken of are in general only beds lying between high and low water mark, where oysters which have been dredged up elsewhere, and have become private property by appropriation, are laid down upon ground under leave from the owner of the foreshore. Such beds are not suitable for breeding oysters, and are in general only used to keep a supply of oysters for the market. In some few cases, as in the River Stour, oyster
20,650–60. beds have been formed under a lease of the soil of the river from the Crown, and oysters laid there even below low water are considered as private property, and possibly even the brood of such oysters may at law be considered the property of persons who laid down the parent oysters; but no such case could be maintained at law where at any previous time oysters have been dredged by the public, nor could the public be prevented fishing on the grounds for any other fish. It is obvious, therefore, that if it be desirable to encourage the formation of oyster beds, either for fattening or breeding, some further powers must be given. We have already stated that under an Act of Parliament of the session of 1864 a considerable extent of ground at Herne Bay was granted to a private company for the alleged purpose of cultivating oysters, and similar bills were before the last Parliament for converting into private property certain portions of the flats and of the estuaries of the Essex rivers.

61,661–736. 61,588–9. 59,644–699. We found a disposition on the part of many witnesses to question the propriety of the grant to the Herne Bay Company; and though we felt ourselves precluded from reviewing the decision arrived at by Parliament after a careful investigation before select committees of both Houses, yet we could not refuse to listen to the arguments which were adduced against the policy of making similar grants in the future. The objections to such appropriations of public grounds to private companies are stated to be as follows:—

1. That where the ground intended to be appropriated has been fished by the public, and a valuable public right already exists, the allegation that more can be made of it by converting it into private property should not induce the confiscation of that right.

2. That such appropriations ought not to be permitted without compensation to the fishermen who have been in the habit of fishing on the grounds.

3. That the private beds already existing are sufficient for their purpose, and that if more are created there will not be an adequate supply of brood to stock them.

4. That the spat from the oysters lying on the private grounds drifts on to the open grounds beyond them, and that by permitting the appropriation of the public grounds the owners of the private grounds will be forced to buy that which is in great measure their own, and which they have been in the habit of dredging for themselves without charge.

5. That the object of persons applying for appropriations of public ground is not so much to cultivate the ground as to secure to themselves the benefit of the spat which falls there, and which in some years is of very great value.

6. That in giving to private companies this right a monopoly of the supply of spat will be created.

7. That taking into consideration all kinds of fishing besides oysters upon the grounds proposed to be dealt with, such as dredging and trolling for whelks and other shell fish, and trawling for flounders, which will necessarily be put a stop to, as much value is now produced from them as will be obtained by the cultivation of oysters.

8. That if appropriations are to be made the public should have an opportunity of competing for them.

We think it unnecessary to deal in detail with these objections. Each case of intended appropriation must, to a great extent, rest upon its own merits, and many of these considerations will have more or less weight. The advisability of appropriation will in each case turn upon a balance of considerations. We think, however, that there should be no such appropriation without clear and unmistakeable evidence that the ground will, by a course of cultivation, produce a much greater supply than it now does; that it is the intention of the parties applying for such a grant to cultivate the ground in earnest, and not simply to use the ground as it has hitherto been used, and to exclude the public; that where the ground has been extensively dredged by the public every consideration should be given to them; and that such appropriations should be limited so as to interfere as little as possible with the public user. Fishermen are very tenacious of their rights, and look with great jealousy at any attempt to interfere with their free fishing over any ground where they have been in the habit of so doing; an instance of this is to be found in the evidence taken by us at Westport, where great complaints were made by the fishermen against an attempted appropriation. 44,439–66.

It may be worthy of consideration whether in some cases small grants of the foreshore may not with advantage be made to the fishermen themselves, after the manner described to us by Mr. Buckland of the small parks on the shore of the Isle of Re, or whether incorporations of fishermen in certain localities, after the manner of the Whitstable, Faversham, and Colchester companies, should not be permitted, giving them exclusive rights of fishing over certain limited areas, so as to promote the application of capital to the grounds; but in such cases it would be desirable to ascertain whether the peculiar constitution of such companies in the form of guilds is the best adapted to the purpose, and whether it would not be better to permit the assignment of their shares, rather than limiting their membership to fishermen only, as in the cases mentioned. 59,866.

In Mr. Buckland's evidence will be found an interesting account of the system of oyster culture as recently established in the Isle of Re; its success has been for the last three years interfered with by the want of spat, which has affected this equally with other parts of the Channel; but in good breeding seasons the system seems to be well adapted to securing a plentiful supply of brood, and we cannot doubt that there are many places along our coast where similar enterprises might be advantageously carried out. The cultivation is confined to the foreshore, and does not extend below low-water mark, though by a system of embanking the water is retained on the banks. 59,851–60,056.

VII. If close-time be repealed, the 18th and 19th Victoria, cap. 101, becomes superfluous. According to Article XLVII. of the Convention, it is forbidden to dredge for oysters between sunrise and sunset. We do not perceive any utility in this regulation, so long as a proper system of lighting fishing boats of all kinds is rigidly enforced. With respect to that part of Article XLVIII. which provides that oyster fishermen shall throw back into the sea "all sand, gravel, and fragments of shells," though we do not clearly see what temptation fishermen can have to load their boats with unsaleable dead shells, stones, and gravel, we think it very proper that this regulation should be strictly enforced. It will also be advisable to enforce the rule laid down in the Article XLIX. of the Convention.

VIII. It has been represented to us, that under the law as it now stands, there is not a sufficient protection to private oyster beds. Mr. Russell, who has been largely engaged in the oyster trade, gave us the following as his experience on the subject:—

61,751. Have you any remarks to make with regard to the protection of the oyster beds?—I have experienced the want of protection two or three times in my lifetime. I have always had to do more or less with the oyster trade, and the first time I found the oyster Acts not sufficient to guard us, was upon my father's ground. He held a lease from Lord Keith. He ran out the first lease, and was into his second, when some little political difficulty arose between the then landlord, Mr. John Deverell, and Mr. Hector, M.P. for Petersfield. It was enough to breed ill blood between men. Mr. Hector used to have a good deal to say about the fishermen, and by some means a notion got out that the fishermen could come on our ground and do as they pleased; they therefore organized an attack. They gave us notice that on a certain day they would come *en masse* to try the right. We poo-pooed the idea; we could not believe in such a thing; but sure enough, on the 1st of September, they did come in 200 boats of them, with two men in each boat, and made an attack upon the beds. I was the only person there, and I managed to drive them away; they were afraid that I should shoot them, and they ran away. I then procured the assistance of the police, and I got some of them taken before the magistrates and committed, but when the case came on for trial they said they had not acted with a felonious intent, that they only came there to try their right to the ground, and although each one loaded his boat and carried away 10 bushels of oysters before he went away, the jury would not find them guilty. They came there again two or three times, and the magistrates refused to commit. We were powerless, and they cleared out every oyster. Since then there have been attacks made in the same fashion on several other grounds. I took some ground in the Menai Straits from the Woods and Forests, and I worked there for three years. There had never been such a thing as an oyster fishery there before. The Welshmen were annoyed to find that a foreigner, as they called me, could go upon their ground and make such an immense trade out of oysters. I used to send across to Arklow for oysters. I got them for a shilling a bushel, and I brougth them over for another sixpence a bushel. The ground suited them very well. They came off first rate and there was no limit to the market. I was making a very large trade there, when the Welshmen, annoyed to find that they had never known the value of the Menai Straits, although they had been living there all their lives, organized an attack. They sent round notices, and had them stuck up, that they were going to try their right to the open sea. Placards were posted in every direction. Eventually, one fine day, they did come, about 150 boats of them, with flying colours. They made an attack on the ground. I got Sir Richard Bulkeley, the lord lieutenant of the county, to interfere. He ordered a lot of them to be taken up, and they were brought before himself, Colonel Tennant, and other magistrates, and committed to the assizes for trial; but at the assizes the bills were ignored against them, and they came upon the beds again and worked there until they cleared the whole of the oysters out. I got injunctions, but they worked on in spite of them, the Lord Chancellor making some excuse that it was an *ex parte* injunction. So they went on until I was entirely beaten.

61,752. Your complaint is not so much with regard to the law as in reference to the administration of the law?—It is the law I complain of. The oyster Act says that it shall not be done feloniously; that very word condemns the whole thing. They give notice that they intended to come and try a right, and it was held that there was no felonious intent.

Numerous other cases will be found at p. 1379 of the evidence, where, under pretence of asserting their rights, large bodies of fishermen have broken in upon private grounds and entirely swept them of oysters. Most if not all of these cases, however, occurred before the passing of the Act 24 & 25 Vict. c. 96. s. 26, which says that "Whosoever shall steal any oysters or brood from any oyster bed, laying, or fishery, "being the property of any other person, and sufficiently marked out or known as such, "shall be guilty of felony, and being convicted thereof shall be liable to be punished as "in the case of simple larceny."

It is alleged that the magistrates will not convict under this section, on the ground that the fishermen were trying a right. We cannot think, however, that the law can be made stronger; the objection is rather to the manner in which it is administered, and we do not doubt that, if properly administered, the law will be found amply sufficient.

CONCLUSIONS.

We now lay before Your Majesty, in a brief and summary form, the main conclusions, touching the matters to which our inquiries have been directed, to which we have been led by the reasonings detailed in the preceding pages.

1. The total supply of fish obtained upon the coasts of the United Kingdom has not diminished of late years, but has increased; and it admits of further augmentation to an extent the limits of which are not indicated by any evidence we have been able to obtain.

2. Beam trawling in the open sea is not a wastefully destructive mode of fishing, but is one of the most copious and regular sources of the supply of eminently wholesome and nutritious fish. Any restriction upon this mode of fishing would be equivalent to a diminution of the supply of food to the people; while there is no reason to expect present, or future, benefit from that restriction.

3. Notwithstanding the most careful inquiries, specially directed to the point, we have been unable to meet with any case in which we were satisfied that sweep-net fishing, fishing with small meshed nets, or weirs, in bays and estuaries, has been permanently injurious to the supply of fish; while, on the other hand, it is proved that, in certain bays and estuaries, such fishing has gone on for very many years without permanent injury to their fisheries.

4. With respect to the particular case of circle-net fishing on the west coast of Scotland, we are of opinion that (except in a certain specified locality and as a measure of police) no justification whatever exists for the suppression of that method of taking herrings. There is no evidence that, when properly practised, it is a wasteful mode of fishing; while there is abundant proof that it affords a most plentiful supply of wholesome fresh fish; and that, under certain circumstances of season and weather, the fish thus obtained are not to be captured by other modes of fishing.

5. We have carefully considered the complaints brought by fishermen of different classes against one another, and we are of opinion that none of these complaints are of sufficient gravity to render special legislation necessary or desirable; except, as a matter of police, in the case of the upper waters of Loch Fyne, and in that of the St. Ives Bay pilchard fisheries.

6. We find the laws relating to sea fisheries to be complicated, confused, and unsatisfactory; many restrictions, even of late date, are never enforced; many would be extremely injurious to the interests of the fishermen and of the community if they were enforced; and with respect to these and others, the highest legal authorities are unable to decide where, and in what precise sense, they are operative.

7. Leaving oyster fisheries out of consideration for the present, the sea fisheries of England are practically under no restriction, or next to none. Those of Scotland, on the other hand, are actively superintended by a Fishery Board with defined powers, and supported at a cost of 7,000*l.* a year to the country. Those of Ireland are also legally under the control of a board which possesses almost unlimited powers; but it is the practice of the board to exert these powers as little as possible and only under pressure from without. We conceive that the functions of these boards, so far as the sea fisheries are concerned, might cease without any injurious effect upon the fisheries.

8. The fisheries of Scotland are further regulated by special Acts, enforcing a close-time for herrings on the west coast of Scotland, and prohibiting circle-net fishing for herrings for all Scotland. In consequence of the report of the Royal Commissioners appointed to inquire into trawling for herrings, in 1861, and of the further representations made by ourselves in 1864, the Close Time Act has now been repealed for the greater part of the west coast of Scotland. We consider both of these Acts to be as useless for their professed object, as they have been oppressive in their practical working.

9. We have carefully examined into the system of branding carried on by the Scotch Fishery Board, and we have arrived at very definite convictions, which cannot be expressed better than in the words of the minute made by the Lords of the Treasury, ten

years ago: "We are of opinion that the time has now arrived when the fishing trade may be entirely thrown open, and the artificial system created by the brand of the Fishery board may be abolished, substituting for it the sounder system already adopted with regard to all other articles of trade. With this will cease all necessity for an establishment, because we do not consider that it falls within the functions of such a department to keep order, on shore or afloat, among the fishermen; or to enforce the observance of conventions between this country and foreign powers."

10. The Convention Act applies only to English and French fishermen, and does not affect the numerous Dutch and other fishermen who fish in the same waters. With respect to the scope of this Act, it is so framed that the highest legal authorities differ upon two very essential points; firstly, as to whether it does or whether it does not possess force within the three-mile limit: secondly, how far it applies merely to the seas geographically between England and France, and how far it has force in the other waters which surround the British islands. And with regard to the substance of the regulations laid down in the Act, we find that the greater part of them are not, and never have been, attended to by any person; and that those which interfere with modes and times of fishing are frequently impracticable, and would be injurious if put in practice. We entertain no doubt, therefore, that this Act, as a whole, ought to be repealed.

11. We conceive, however, that it would be of great advantage to make certain articles of the Convention Act the basis of a special Sea Fisheries Police Act, embracing the following provisions:

1. All fishing boats shall be numbered.
   There shall be a series of numbers for the fishing boats belonging to each collectorship of customs in the United Kingdom; and to these numbers shall be prefixed the initial letters of the names of the respective collectorships or districts.
2. Whereas there are in the United Kingdom several collectorships of customs, the names of which begin with the same letter, in which case the initial letter alone would not suffice; the distinguishing letter or letters for the boats of each collectorship or district shall be designated by the Board of Customs in the United Kingdom.
3. The letters and numbers shall be placed on each bow of the boat, three or four inches below the gunnel, and they shall be painted in white oil colours on a black ground.
   For boats of fifteen tons burthen and upwards, the dimensions of these letters and numbers shall be eighteen inches in height, and two and a half in breadth.
   For boats of less than fifteen tons burthen, the dimensions shall be ten inches in height and one and three quarters inch in breadth.
   The same letters and numbers shall also be painted on each side of the mainsail of the boat in black oil colour on white sails, and in white oil colour on tanned or black sails.
   These letters and numbers on the sails shall be one third larger in every way than those placed on the bows of the boat.
4. All the buoys, barrels, and principal floats of each net, and all other implements of fishery, shall be marked with the same letters and numbers as those of the boats to which they belong.
   These letters and numbers shall be large enough to be easily distinguished. The owners of nets or other fishing implements may further distinguish them by any private marks they judge proper.
5. The letters and numbers of fishing boats shall be inserted on the licences of those boats, after having been entered in the registry book kept at the collectorship of customs.
6. The licences of fishing boats shall contain the description and tonnage of each boat, as well as the names of its owners and of its master.
7. The fishermen shall, when required, exhibit their licences or muster rolls to the commanders of the fishery cruisers, and to all other persons appointed to superintend the fisheries.
8. The name of each fishing boat, and that of the port to which she belongs, shall be painted in white oil colour on a black ground on the stern of the said boat, in letters which shall be at least three inches in height, and half an inch in breadth.
9. It is forbidden to efface, cover, or conceal, in any manner whatsoever, the letters, numbers, and names placed on the boats and on their sails.
10. The masters of all vessels fishing at night shall hoist on one of their masts two lights, one over the other, three feet apart.
    These lights shall be kept up between sunset and sunrise.
11. All fishermen are forbidden, except in cases of absolute necessity, to show lights under any other circumstances than those mentioned in the present regulations.
12. No boat shall be made fast or held on to the nets, buoys, floats, or to any part of the fishing tackle, belonging to another boat.
13. It is forbidden to all persons to hook or lift up the nets, lines, or other fishing implements belonging to others, under any pretence whatsoever.

14. When nets of different boats get foul of each other, the masters of the said boats shall not cut them, except by mutual consent, unless it shall have been found impossible to clear them by other means.

15. In all cases of damage by fouling, trawlers, decked-boat drift fishermen, and circle-net fishermen shall be held responsible, unless they can prove themselves to be free from blame.

16. All fixed nets and long lines shall be buoyed. If left down at night without a properly lighted boat attached to them, no responsibility shall attach to trawlers and drift fishermen who damage them by working over them.

17. All fishing boats, all rigging, gear, or other appurtenances of fishing boats, all nets, buoys, floats, or other fishing implements whatsoever, found or picked up at sea, shall, as soon as possible, be delivered either to the owner, or to the collector of customs of the district to which the salvor belongs.

18. The collector of customs shall restore the articles saved to the owners thereof, or to their representatives.

These functionaries may, when the circumstances are such as to call for it, award to the salvors a suitable compensation for their trouble and care. This compensation, which shall in no case exceed one-fourth of the actual value of the articles saved, shall be paid by the owners.

19. Plunder of private oyster or mussel grounds, or of nets, weirs, or lines, or fishing engines, shall be dealt with by summary process, with heavy penalties.

10. We have made diligent inquiry into the condition of the oyster fisheries, and have devoted a large section of our report to the discussion of the evidence which we have obtained. We find:

That the supply of oysters has very greatly fallen off during the last three or four years.

That this decrease has not arisen from overfishing, nor from any causes over which man has direct control, but from the very general failure of the spat, or young of the oyster; which appears, during the years in question, to have been destroyed soon after it was produced. A similar failure of the spat has frequently happened before, and probably will often happen again.

That the best mode of providing against the effects of these periodical failures of the spat is to facilitate the proceedings of those individuals, or companies, who may desire to acquire so much property in favourably situated portions of the sea bottom, as may suffice to enable them safely to invest capital, in preparing and preserving these portions of the sea bottom for oyster culture. By which term "oyster culture" is implied, not the artificial breeding of oysters, in the manner in which salmon are bred artificially; but, the collection of the brood in years when that brood is plentiful, and its preservation by the application of due skill and care, as a source of supply during the years when the spat fails—a practice in vogue among British fishermen from time immemorial.

That no regulations, or restrictions, upon oyster fishing, beyond such as may be needed for the object just defined, have had, or are likely to have, any beneficial effect upon the supply of oysters.

RECOMMENDATIONS.

In consonance with the conclusions enumerated above we humbly submit the following Recommendations to Your Majesty:—

I. We advise that all Acts of Parliament which profess to regulate, or restrict, the modes of fishing pursued in the open sea be repealed; and that unrestricted freedom of fishing be permitted hereafter.

II. With respect to inshore fishing; although the evidence, so far as it is conclusive, appears to us to prove that the taking of small and immature fish has not yet produced any injurious effect upon the fisheries; it is undoubtedly possible, that by the use of improved engines, the destruction of fry might reach such a pitch, as to bear a large, instead of, as at present, an insignificant ratio to the destruction effected by the natural enemies of fish, and by conditions unfavourable to their existence.

The existence of such a state of things, however, could only be determined by the examination of trustworthy statistics of the fisheries in question, extending over a considerable number of years. Should it ever be satisfactorily proved to have arisen, we conceive that the best remedial measure would be to place a restriction upon the size of the fish permitted to be brought ashore, and to subject the possessor of fish below a certain specified size, to penalties; but to avoid interfering with the implements of fishermen, or with their methods of fishing.

For the present, we advise that all Acts of Parliament which profess to regulate or restrict the modes of fishing pursued in-shore be repealed; with the exceptions, purely on grounds of police, of the Local Act regulating pilchard fishing at St. Ives; and, for that part of Loch Fyne which lies above Otter Spit, of the Act prohibiting trawling for herrings in Scotland.

III. While we do not consider it expedient to impose any general restrictions upon the fishing of inshore oyster or mussel beds, we strongly recommend that every legislative assistance be given to individuals, or corporations, who may desire to form private beds for oyster, or mussel, culture.

In doing this it will be necessary to keep two objects in view:—In the first place, to provide a means by which companies, or individuals, may easily acquire such a title to adequate portions of the sea bottom, as may make it worth their while to expend capital in stocking and tending the fishery. In the second place, to see that, in so doing, pre-existing rights of fishery are not unduly interfered with; and, especially, that the property in the sea bottom so acquired, does not extend so far as to confer a virtual monopoly of the whole productive area.

We are disposed to think that the most convenient course would be to empower a public Board to grant leases of the sea bottom, after making proper inquiry into the circumstances of each case. Such power should only be exercised after proper notice to the public at the place proposed to be so dealt with, and with due consideration of the interests of the existing fishing population; and an appeal from the decision of the Board should be given to the Privy Council, whose decision should be final and conclusive as to any claim of the public to dredge, or fish, over the ground so granted. Grants made by the Board should be for a limited number of years only; and should be voidable after a certain number of years, on its being proved to the Board that they had not been acted upon. Where a valuable fishery now exists beyond low water mark, no grant of exclusive fishing should be made without the sanction of Parliament; and it would be more satisfactory to the public of the place where any such appropriation might be contemplated, if proceedings were first commenced before the Board, and an inquiry on the spot held by them, or by some person duly authorized by them. The various schemes approved by the Board might, we think, be embodied in a General Act, with short reports on the individual cases.

IV. We think it a matter of great importance that fishery statistics should be systematically collected. It is only by such means, that the constant recurrence of the panics to which the sea fishery interest has hitherto been subjected can be prevented, and that any trustworthy conclusion can be arrived at regarding the effects of the modes of fishing which are in use. It is probable that the existing Coastguard, or Customs, organization might be utilized to collect fishery statistics, as is now to some extent the case in Ireland.

V. With reference to the police of the fisheries, we advise that an Act be passed embodying the substance of the provisions enumerated above.

We recommend that the due enforcement of this Act should be confided to the Lords of the Admiralty, who should place cruisers, of such a character as the nature of the stations may indicate, on such fishing stations as may require their presence. The Commanders of such cruisers should receive and report upon all complaints that may be made by fishermen, or others, respecting the falling off of the supply of fish in consequence of alleged injurious practices; or respecting the interferences of fishermen, one with another, not remediable by ordinary process of law. p. civ.

VI. Finally, we advise that all restrictions which prevent foreign fishermen from entering British or Irish ports for the sale of fish be removed in Great Britain and Ireland; and that measures be taken to secure the like freedom for British fishermen in foreign ports.

All which we humbly certify to Your Majesty, under our hands and seals.

JAMES CAIRD. (L.S.)
THOMAS HENRY HUXLEY. (L.S.)
GEORGE SHAW LEFEVRE. (L.S.)

APPENDIX.

CONTENTS OF APPENDIX.

No. PAGE

1. A General Description of the Nets and Gear used in the Sea Fisheries of the British Islands - - 3
2. "Northern Ensign" Herring Fishing Statistics - 8
3. North British Railway.—Return of the Weight of Sea Fish conveyed during the years 1862 to 1864 - 10
4. North-Eastern Railway.—Return of the Quantity of Fish forwarded during the years 1853 to 1864 - 11
5. Blyth and Tyne Railway.—Return of Fish carried during the years 1858 to 1864 - - - 12
6. Port of Hull.—Account of Fish landed within the Docks during the years 1852 to 1864 - - 12
7. Manchester, Sheffield, and Lincolnshire Railway.—Statement showing the Number of Tons of Fish forwarded during the years 1855 to 1864 - - 12
8. Great Northern Railway.—Return of Fish forwarded from Great Grimsby during the years 1856 to 1864 12
9. Port of Yarmouth.—Return of Herring Shipments to Foreign Ports from 1855 to 1864 - - - 12
10. Lowestoft Harbour.—Fish Market Returns from 1860 to 1864 - - - - - - - 13
11. Port of Lowestoft.—Return of Foreign Fish landed from 1854 to 1864 - - - - - - 13
12. Port of Lowestoft.—Return of Number of Boats belonging to this Port from 1854 to 1864 - - 13
13. Statement of average Prices and Catches of Herrings and Mackerel at Lowestoft from 1854 to 1864 - 13
14. Great Eastern Railway.—Return of the Weight of Sea Fish carried during the years 1860 to 1864 - 14
15. London, Tilbury, and Southend Railway.—Return of the Weight of Sea Fish consigned, &c. during the years 1855 to 1864 - - - - - - 14
16. London, Chatham, and Dover Railway.—Return of Sea Fish conveyed during the years 1858 to 1864 - 15
17. London, Brighton, and South Coast Railway.—Return of the Weight of Fish carried to London from 1855 to 1864 - - - - - - - 15
18. South Devon Railway.—Fish Traffic for the years 1854 to 1864 - - - - - - - - 16
19. West Cornwall Railway.—Return of the Quantity of Fish forwarded during the years 1861 to 1864 - 17
20. Estimate of the Quantities and Value of Fish caught by Mounts Bay and Saint Ives Fishing Boats in the year 1864 - - - - - - - 17
21. Extract from Messrs. Fox & Co.'s Pilchard Circular, showing the Total Quantities of Pilchards exported during the years 1816 to 1839, and also the Quantities and Places to which exported during the years 1840 to 1864 - - - - - - 17
22. Catch of Pilchards by separate Seans at Mevagissey - 18
Take of Pilchards in the years 1857 to 1863, arranged according to Districts - - - - - 18
23. Midland Railway.—Return of Fish forwarded from 1853 to 1864 - - - - - - 19
24. Chester and Holyhead Railway.—Return of the Weight of Sea Fish carried during the years 1855 to 1864 - 19
25. Preston and Wyre Railway.—Return of the Quantities of Sea Fish carried during the years 1858 to 1864 - 19
26. Amount of Tolls levied in Billingsgate Market from 1854 to 1863 - - - - - - 20

No. PAGE

27. Return of the Total Quantity of Winkles, Whelks, Mussels, and Shrimps brought to the London Market from 20th Nov. 1862 to the 20th Nov. 1863, and for a like period 20 years ago - - - - - 20
28. Returns relating to the Whitstable Oyster Fishery - 20
29. Faversham Oyster Company.—Returns showing the Quantity and average Price of Oysters sold during the years 1841 to 1864, and also the Quantity and Cost of Brood laid from the Flats during the same Period - - - - - - - 21

IRELAND.

30. Midland Great Western Railway.—Return of the Quantity of Sea Fish conveyed during the years 1854 to 1864 - - - - - - 22
31. Great Southern and Western Railway.—Return of the Quantity of Sea Fish conveyed during the years 1854 to 1864 - - - - - - 22
32. Abstract of the Weekly Returns of Herring Fishery at Howth between 1st June 1863 and 2nd January 1864 - - - - - - - 22
The like, between 28th May 1864 and 10th Dec. 1864 23
33. Returns of the Jersey Oyster Fishery during the years 1855 to 1864 - - - - - - 24
34. Act 1 Geo. 1. stat. 2. c. 18, for the better Preventing Fresh Fish taken by Foreigners being imported into this Kingdom, and for the Preservation of the Supply of Fish, &c. - - - - - 25
35. Act 4 & 5 Vict. c. lvii., to repeal 16 Geo. 3. c. 36, and to make other Provisions in lieu thereof - - 27
36. Act 6 & 7 Vict. c. 79, to carry into effect a Convention between Her Majesty and the King of the French concerning the Fisheries in the Seas between the British Islands and France - - - - - 35
37. Act 18 & 19 Vict. c. 101, for the more effectual Execution of the Convention between Her Majesty and the French Government - - - - - 41
38. Abstract of Byelaws, Orders, &c., made by the Commissioners of Fisheries in Ireland to March 1864 - 43
39. List of Licences granted by the Commissioners of Irish Fisheries to plant Oyster Beds up to 31st Dec. 1864 45
40. Return of the Weight and Value of Fish caught by one Trawler during the years 1860 to 1864 - - 46
41. Return of Number of Boats and Men engaged in the Herring Fishery on the Coast of Great Britain from French Ports - - - - - - 46
42. Letter from Lieut. Challis, R.N. - - - 46
43. Extract of a Letter from Mr. A. Stephens to G. Shaw Lefèvre, Esq., M.P. - - - - - 47
44. Board of Fisheries, Scotland.—Statements by the Secretary of the Board against the restrictive Legislation proposed to be adopted towards the Herring Fisheries of Scotland - - - - - - 47
45. Letters from Foreign Merchants concerning the Sale of Scotch Herrings on the Continent - - - 56
46. Documents referred to in Mr. Mackie's Evidence - 59
47. Extracts from Reports to the Treasury by Messrs. Price and St. John, and by Capt. Sulivan, R.N., in 1856, on the Fishery Board of Scotland - - - 63
48. Copy of a Letter addressed by the Royal Commissioners to the Right Hon. Sir G. Grey, Bart. - - 71

PLATE 1.

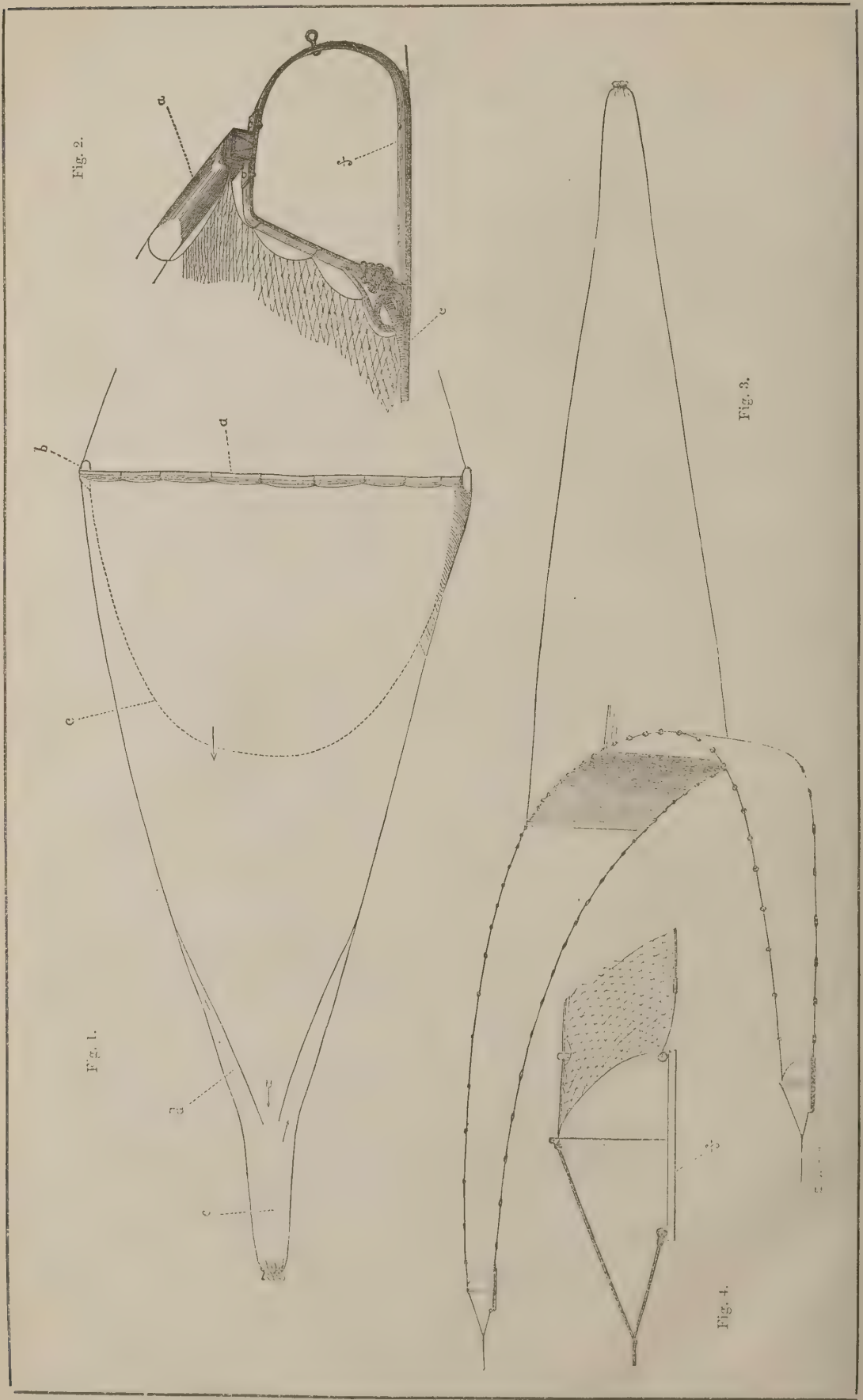


Fig. 1. Beam-trawl. 2. Trawl-head or iron. 3. Pole-trawl. 4. Hammer.

APPENDIX.

No. 1.

A General Description of the Nets and Gear used in the Sea Fisheries of the British Islands.

The methods by which a constant supply of fish, properly so called, is obtained for our markets may be classed under two systems—net-fishing and line-fishing, but shell-fish and crustacea are taken by dredges, pots, creels, &c., special contrivances being necessary for the capture of animals of such varied habits.

The nets in use may be arranged under five heads, viz.:—

I.—Trawl-nets.
II.—Drift-nets.
III.—Sean or seine nets.
IV.—Trammel or set nets.
V.—Bag-nets.

Each of these nets undergoes certain modifications of form or size to adapt it to the capture of particular kinds of fish, or to the depth of water and the nature of the coast on which it is used.

I.—*Trawl-nets.*

(*Pl.* 1. *figs.* 1, 4.)

Two kinds of net properly bearing this name are in use among professional fishermen, viz., the beam-trawl and the pole-trawl. Another net, locally designated a "trawl," was formerly employed for catching herrings by the fishermen of Loch Fyne, and of some other parts of the west coast of Scotland, but as it was used as a sweep or circle-net it may be more suitably described under the head of seines; its use in the districts mentioned is at present prohibited by Act of Parliament.

The Beam-trawl (fig. 1). In describing this particular form of net we may take as a fair example such a trawl as is employed by the large deep-sea trawlers of Torbay and the North Sea.

It consists of a triangular purse-shaped net (pl. 1, fig. 1.) about 70 feet long, usually having a breadth of 40 feet at the mouth, and gradually diminishing to four or five feet at the commencement of the "cod" (*e*), as the smaller end of the net is called. This part of the trawl, about 10 feet long, continues of a nearly uniform breadth to the extremity, which is closed by a draw-rope when the net is used. The upper part of the mouth, the "square of the net," is secured to a wooden beam about 40 feet long which keeps the net open; this beam (figs. 1, 2, *a*) is supported on two upright iron frames, three feet high, known as the "trawl-heads, or irons" (fig. 2), each having a socket above to receive the end of the beam, and a thick flattened shoe (fig. 2, *f*) below to bear on the ground. The under side of the net corresponds to the back, except at the mouth, where, instead of being square with the beam, it is made with a deeply-curved margin which is bordered by the ground-rope (figs. 1, 2, *c*.), a stout piece of old rope covered over or "rounded" with smaller rope to protect it from chafing when the trawl is being worked over the bottom; the ground-rope thus having the front edge of the under part of the net attached to it, extends with a long sweep from one trawl-head to the other, each end of the rope being made fast at the back of the shoe; its whole length therefore rests on the ground. The cod or small end of the trawl is usually strengthened on the under side with pieces of old net, called "rubbing pieces," to protect it from chafing when a large quantity of fish has been collected within, and the strain on that part of the net is consequently increased.

A trawl is generally fitted with two pockets, (fig. 1, *d*) one on each side. These are made by lacing together the upper and under parts, beginning at the outer edge, and gradually working towards the middle and small end of the net. The mouth of the pockets, that is, where the lacing stops, therefore faces any fish that may have passed between them into the cod, and escape being impossible at the cod-end, many of the fish swim in a sort of backwater into the pockets until they are stopped at the narrow closed extremities.

The meshes in a large trawl such as has been described are of four sizes, and range from four inches square near the mouth to an inch and a quarter square in the cod.

Two stout ropes of about 15 fathoms each are fastened, one to the front of each of the trawl-heads, the other ends uniting to form a bridle, to which is shackled a warp 150 fathoms long; by this warp the trawl is towed, the quantity of rope paid out depending on the depth of water, the state of the weather, and other conditions. Trawling is, as a rule, always carried on in the direction of the tide, sometimes across it, but never against the stream, as under such circumstances the trawl could not be kept on the ground. The trawl is generally kept down for one tide, and its rate of progress is usually only from half a mile to two miles an hour faster than that of the stream, depending on the kind of fish sought after; the object being to keep the trawl steadily working on the ground, on which most of the fish caught by the trawl are habitually found, and this object could not be attained if the vessel were going fast through the water.

Action of the trawl.

The action of the trawl will be readily understood. The net is towed with the mouth and beam in front, the beam being raised about three feet from the ground by the trawl-irons, and, contrary to general belief, never touching the bottom at all unless the trawl capsize before it arrives there. In such a case the mouth of the net closes, and the irregular jerking of the warp warns the fishermen that the net must be hauled up and "shot" a second time before any fish can be taken. If, however, the trawl sinks in a proper position, (and this depends in a great measure on the way in which the vessel is managed, as soon as the trawl is overboard,) that is, with the beam uppermost, the ground-rope then comes into play and sweeps evenly over the bottom, disturbing any fish there may be within reach; and as the rope extends forwards on each side of them, and the back of the net prevents escape upwards, the fish, lying, according to their habit, head to stream, dart forward into the bag of the net, and in many cases ultimately find their way into the pockets, from which they are shaken out with the rest of the fish when the trawl is hauled on board and the end of the net opened.

Trawling ground.

The trawl can only be used with advantage on smooth ground; a sandy bottom is preferred, not only from that being the usual resort of soles and other valuable kinds of ground-fish, but from the less danger there is on such a surface of tearing the net to pieces. Mention has already been made of the use of old rope for the ground-rope; such a material is employed to prevent the loss of the trawl in case of any unforeseen obstruction, such as patches of rock or heavy stones, which are sometimes found on large tracts of sand. In such a case the ground-rope gives way, and the worst that can happen is the tearing open of the under part of the net, a result serious enough in itself, but preferable to losing the trawl altogether, which might occur by the parting of the trawl-warp if the sudden and violent strain were not relieved by the ground-rope breaking.

Trawl-vessels.

The vessels from which these deep-sea trawls are worked run from 35 to 60 tons O.M., or even more; the size of the trawl depending on that of the vessel. They are fine sea-going craft, smack-rigged, and capable of standing a great deal of rough work, as will be evident when it is remembered that the large fleet of trawlers exposed to the uncertain weather of the North Sea stay out, as a rule, for six weeks at a time in all seasons of the year, their fish being collected daily, packed in ice, and conveyed to market by fast-sailing cutters of 100 tons burden, constructed expressly for speed, and whose captains or owners are interested in getting all the fish delivered in marketable condition.

Inshore trawling.

Trawls of a like construction, but of a smaller size, with a larger number of pockets or without any of them, and with meshes of various dimensions, are extensively used in estuaries and shallow bays on various parts of the coast. The mode of working them is the same as with the deep-sea trawls; but from the restricted limits of the ground over which they can be towed in one direction, the net is necessarily hauled up more frequently than it might be if there were room to work it continuously through a whole tide. The craft employed in such localities range from 6 to 20 tons, and are either half-decked or entirely open boats.

Pole-trawl

The Pole-trawl (fig. 3). This kind of trawl appears to be now only used in the south and south-west of Ireland, it having been for a long time superseded elsewhere by the more effective beam-trawl.

Description of net.

The net is of much the same form as in the ordinary trawl, except that in the pole-trawl the back is cut away to correspond with the under part, leaving a bag with a square mouth, and a long wing or sleeve extending outwards and forwards on each side. The free end of each wing is fastened by its upper and lower edges to a "hammer" (fig. 4.), consisting of a stout flattened piece of iron to act as a shoe (*f*), and an upright handle of either wood or iron rising from the centre. The back-rope is supported by cork floats, and the ground-rope is weighted with lead. There is no beam by which the mouth of the net can be extended. This is managed, however, by the use of a pole 25 or 30 feet long, rigged out on each side of the trawl vessel; a rope from the hammer leading through a block at the end of each pole and coming in-board enables the net to be worked and hauled up very much after the manner of the beam-trawl.

Hammers.

Poles.

II. *Drift-nets.*

(*Pl.* 2, *figs.* 11, 12.)

Drift-nets.

These nets are employed for catching herrings, mackerel, pilchards, and sprats, but they are not in very general use for the last-mentioned fish.

The size of the drift-net varies on different parts of the coast. The herring-net used in the long-standing Yarmouth fishery may, however, be taken as an illustration of this particular kind of net, and the manner in which it is there worked agrees essentially with its operation in all the drift fisheries.

The drift-net, taking it altogether, consists of a number of nets, usually from 120 to 130, each of which is 17 yards long, and between 7 and 8 yards deep. They are attached along their upper margin by short pieces of line a few inches apart to the back-rope (figs. 1, 2, *d*), a double rope enclosing at short intervals single pieces of cork to keep that part of the net uppermost. These nets are fastened together at their extremities, and thus united form what is called a "train, fleet, or drift of nets" (fig. 1, *e*, *e*), extending to a length of nearly a mile and a quarter. The depth to which the nets are sunk is regulated by ropes 7 or 8 yards long, called "seizings" (fig. 1, *c*, *c*), two of which from each net, are made fast to a stout warp (fig. 1, *b*), running the whole length of the train, the warp itself being supported near the surface by small kegs or buoys (fig. 1, *a*, *a*), technically called "bowls." The warp is also useful in taking the strain off the nets, and in preventing their loss in case the train should be fouled and cut by a vessel passing over them when they are near the surface. The minimum size of the herring-mesh is fixed by law at "one inch from knot to knot along the line," or, to put it in a form perhaps less likely to be misunderstood, at one inch square. In practice, however, it is found that in order to catch good-sized fish rather larger dimensions are desirable, and meshes running from 31 to 34 instead of 36 to the yard are, with few exceptions, in use all round the coast.

Back-rope.

Size of Mesh.

Shooting the nets.

Drift-fishing is carried on at night. The nets are shot a little before sunset, the fishing boat being kept before the wind, and with only enough sail set to take her clear of the nets as fast as they are thrown over. When all the nets are out about 15 fathoms more of warp are paid out, and by this the vessel is swung round and then rides head to wind, a small mizen being set to keep her in that position.

Position and direction of nets.

The whole train of nets is now extended in nearly a straight line, the back-rope, to which the corks are fastened, being uppermost, and the body of the net hanging perpendicularly in the water, forming a wall of netting (*e*) more than 2,000 yards long, and about 8 yards deep. The strain from the vessel serves to keep the net extended, and the whole—vessel and nets together—drifts along with the tide. The influence of the tide, however, is not equally felt throughout the whole extent of the nets. The train is consequently soon thrown into irregular curves, often leading to considerable confusion when many boats are fishing in close company.

Habits of the herring.

During the day the herrings keep very much at the bottom, or in a considerable depth of water, but, as night closes in, and if the weather be favourable, they become more active, swim nearer the surface, and in their attempts to pass through the barriers of netting on every side of them many become meshed, the gills of any moderate sized fish preventing its return when once the head has passed completely through the mesh.

If, after two or three hours, an examination of the first of the nets should show that many fish have been caught, the train is hauled on board and the fish shaken out. The nets are hauled in by means of a capstan and the warp to which the nets are fastened.

Mackerel nets.

Mackerel nets have only about 24 or 25 meshes to the yard, and are not so deep as the herring nets, but they are twice as long—a fleet of mackerel nets, such as is used by the Yarmouth boats, extending to a distance of nearly two miles and a half.

Drift-fishing boats.

Drift-fishing is carried on with craft of various sizes; from the Yarmouth decked lugger of 60 tons to the frail canvas canoe or *curragh* of the west of Ireland, the number of men and the quantity of net varying with the size of the boats.

III.—*Sean or Seine nets.*

(*Pl.* 2, *figs.* 3, 4.)

Seine-nets.

There is some difference in the manner in which the several kinds of seine are worked, but the character and form of these nets are essentially alike in all of them. The seine consists of a long train of netting deepest at the middle or breast, and usually becoming gradually shallower towards the extremities of the wings or sleeves. The upper edge or back is kept at the surface by means of corks and the foot-rope is weighted with lead, the net itself hanging perpendicularly in the water, just as is the case with a drift-net. In all cases it is shot so as to make a wide sweep, for the purpose of surrounding either a shoal of fish visible to the fishermen, or with the chance of securing such kinds of fish as may be expected in particular localities along the shore.

General description of seine.

Seines are used for taking pilchards, herrings, and mackerel, besides various other kinds which may chance to be within reach. The mode of working the nets depends very much on the description of fish sought after; and in giving a short account of the several methods it will be convenient to speak of them under the heads of Pilchard-seining, Herring-seining, Mackerel-seining, and "Blind-hauling," the two first coming under the denomination of circle-net fishing, and the others of shore or ground-fishing.

Various kinds of seining.

Pilchard seining.

Pilchard-seining.—Pilchards being essentially a southern species, the fishery for them, seining especially, is almost exclusively confined to the coast of Cornwall, and there it is carried on in a systematic and very extensive manner when the pilchards come into the bays, as is generally the case towards the end of summer.

The manner in which the fishing is conducted in St. Ives Bay may be taken as an example on a large scale of the method generally pursued.

In the operation of seining at St. Ives three and sometimes four nets are employed. These consist of the seine, properly so called, one or two stop-seines, and the tuck-seine. The seine is from 160 to 200 fathoms long and 8 or 10 fathoms deep, the meshes running about 18 or 19 to the foot.

Description of pilchard-seine.

Stop-seine.

The stop-seines are each about 100 fathoms long, and the tuck-seine 70 fathoms long and 10 fathoms deep.

Habits of pilchards.

Pilchards usually approach the coast in immense shoals; they move in more compact masses and occupy a larger extent of water than is the case probably with any other kind of gregarious fish which visits our shores. Hence the necessity for a great length of net in order to secure as large a quantity as possible whilst they are within reach. It has been found by experience that the pilchards first strike the north shore of Cornwall a little above St. Ives, and then follow the line of coast southwards, and this generally takes place during particular months of the year. When this season has come round, men bearing the title of "huers" are stationed on the hills and other suitable situations to look out for the expected shoals, and by signals to point out to the fishermen in the bay the direction which the fish are taking. It is the practice to divide those parts of the shore where the seines can be worked with advantage into spaces or "stems," which are occupied in turn by the several seines according to a previous arrangement, something of this kind being necessary in a place like St. Ives Bay where there are about 240 seines and only 6 stems. It is the custom, however, for the seine owners to form themselves into companies for the season, some of the proprietors being the owners of several nets. In this manner the 240 seines are divided among five or six companies, who, if the fish are abundant, are thus enabled to work several seines in succession without a corresponding increase in the number of men, no harm resulting in fine weather from leaving the fish for several days enclosed in the nets.

"Huers."

"Stems."

Working the seine.

When the pilchards show themselves within a convenient distance of the stem the "seine boat" (fig. 3, *a*.) having the seine on board, and the "tow-boat" (*b*.) containing the stop-seine, are rowed to the front of, and, if the shoal be not very large, to the outside of the advancing crowd of fish. The two nets having been fastened together the boats then separate and shoot their nets, the tow-boat with the stop-seine coming in towards the shore to stop the fish, and the seine-boat going towards the body of the shoal (*d*), cutting off as much of it as under the circumstances it is possible to enclose, and then joining the tow-boat in-shore where the ends of the two nets are united. The fish are

PLATE 2.

Fig. 1.

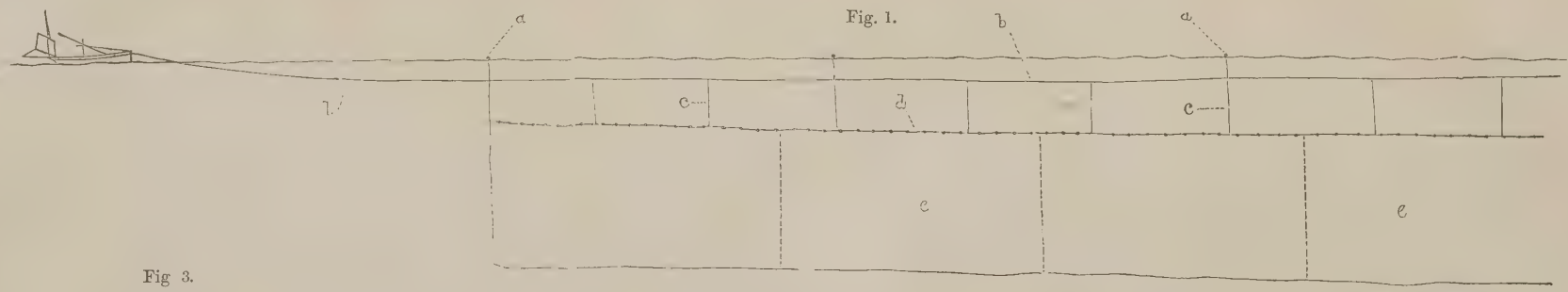


Fig. 3.

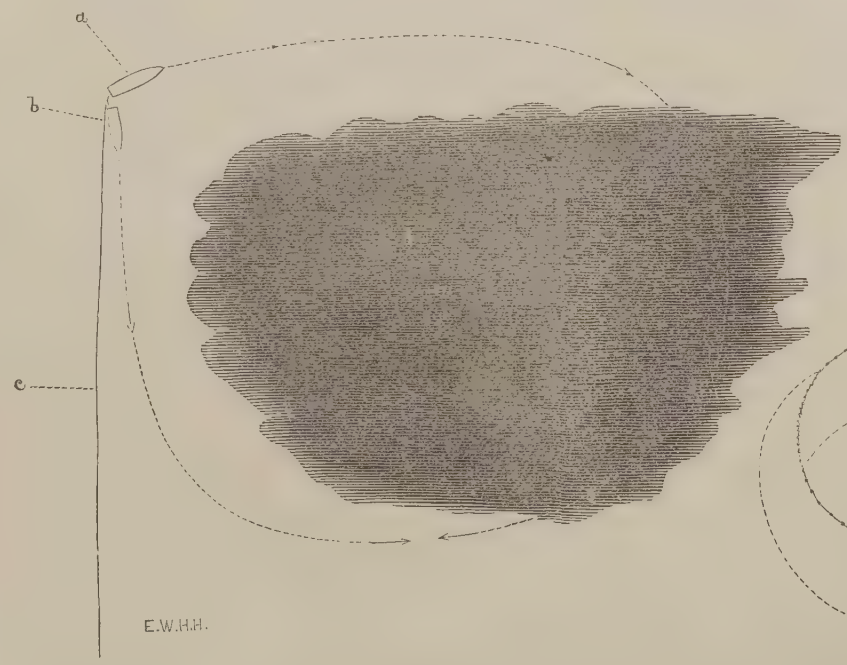


Fig. 2.

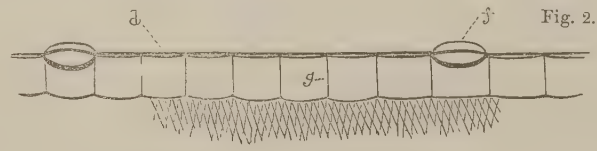


Fig. 4.

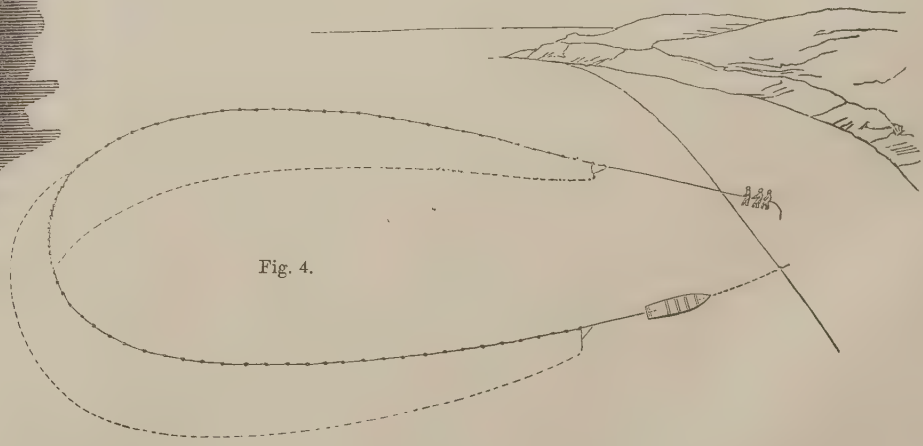


Fig. 1. Drift-net. 2. Part of net and mounting enlarged. 3. Diagram of Pilchard-seining. 4. Ground-seining.

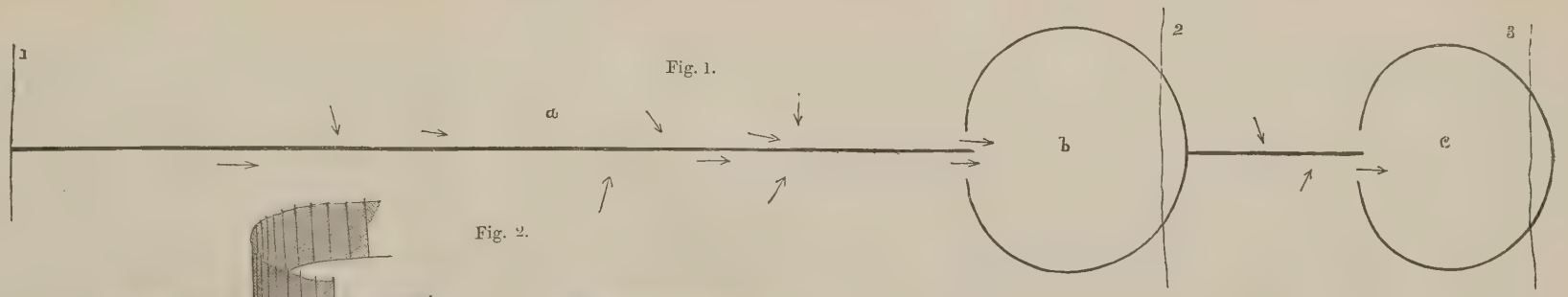


Fig. 1.

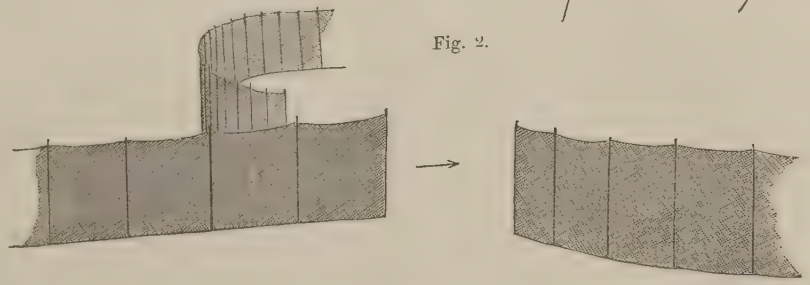


Fig. 2.

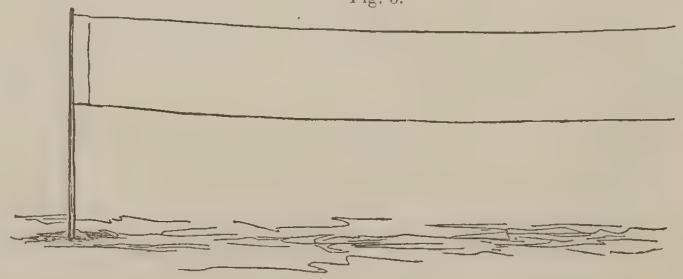


Fig. 3.

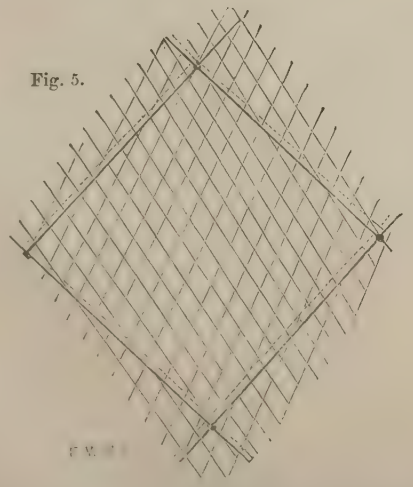


Fig. 5.

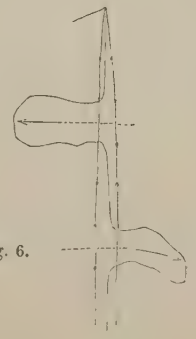


Fig. 6.

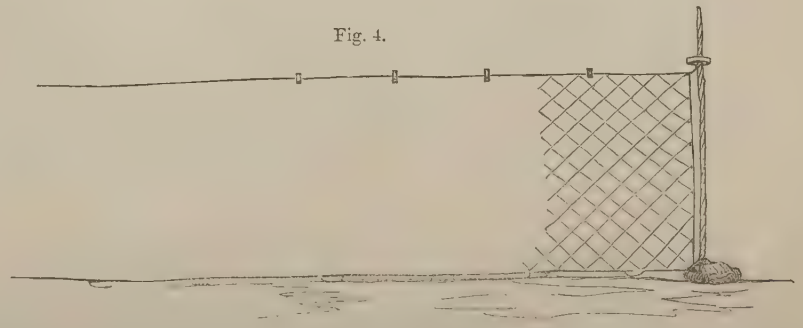


Fig. 4.

Fig. 1. Kettle-net (plan). 2. Do. (construction). 3. Stake herring-net. 4. Set-net. 5. Part of a trammel. 6. Section of a trammel, showing the action of the nets.

thus enclosed within a circle of net 300 fathoms in circumference and 10 fathoms deep. Sometimes a second stop-seine is made fast to the first one, and the circumference of the circle enlarged by another 100 fathoms. The whole operation of shooting the nets is carried on in silence to avoid alarming the fish, and the proceedings are directed by signals from the master seiner, who is in attendance in a small boat called the "volyer," or follower, on some parts of the coast termed the "lurker."

The nets and enclosed fish are then hauled towards the shore by a warp (*c*) and capstan on the beach until the foot-rope of the nets touches the ground, thus cutting off all means of escape for the fish except by jumping over the back-rope. In this position the net is securely moored, as several days may elapse before all the fish are taken out.

Tuck-seine. This operation is performed with the tuck-seine, and is termed "tucking the fish." The tuck-seine is about 70 fathoms long and 10 fathoms deep, with a considerable quantity of slack net to form a bag or bunt at the middle. It is shot like an ordinary seine, but inside the circle made by the other nets, and the two ends are hauled into a boat, leaving the middle or bunt in the water. The foot-rope of this part of the net is gradually raised up so as to bring the bunt under the fish and lift them to the surface; they are then baled out with large baskets and taken ashore to be salted.

Quantity of pilchards caught. The quantity of pilchards taken by a single haul of the seine is sometimes enormous. As many as 3,000 hogsheads of fish were secured on one occasion, but if the hogsheads can be counted by hundreds the haul is generally considered a good one. The vast numbers of fish not uncommonly enclosed at once explain the necessity for using a tuck-seine. By means of this comparatively small net the fish can be taken out in such quantities as are most convenient to the curers, who of course are not always prepared to deal immediately with the large supplies that may be ready for them. A fortnight has sometimes elapsed before the contents of one seine have been landed.

On the south coast of Cornwall pilchard-seining is also carried on to a considerable extent, but generally with only two nets, the principal one being there called the stop-seine, the other is the ordinary tuck-seine. The mode of working the nets is essentially the same on all parts of the coast.

Herring-seining or "trawling." Herring-seining.—This mode of fishing was largely practised in Loch Fyne, and on some other parts of the west coast of Scotland, before it was prohibited by Act of Parliament. It constitutes what is there termed "*trawling*," but is in reality only ordinary seining; and the account just given of the working of the tuck-seine, supposing it to be employed without reference to any other net, will precisely describe the general form of the herring-trawl and the manner in which it is ordinarily used. The net itself is from 60 to 90 fathoms long and about nine fathoms in depth; it is worked by one or two boats, and only at night.

Various modes of herring-trawling. If the net is to be hauled in more or less deep water, one of the boats remains stationary at some suitable place, and holds on to the rope at one end of the seine; the other boat then shoots the net in a circle and returns to her companion. Sometimes when only a single boat is used one end of the net is made fast to a buoy to which the boat returns after shooting the net. In both cases the "trawl" is hauled into the boat after the manner of a tuck-seine. A

Ground-seining. third mode of working is by starting from the shore, where a drag-rope from one end of the net is left in the hands of some of the fishermen (fig. 4). When all this drag-rope has been paid out from the boat the net is shot in a semicircle, and the boat returns with the other end of the net and the rope to the land; the two crews then haul away at the ropes, gradually approaching one another as the net comes in, until at last they meet and the bunt of the net with the enclosed fish is hauled on shore. This manner of working the net is what on other parts of the coast is called "ground-seining," and is the commonest and probably one of the most ancient modes of net-fishing.

Mackerel-seining. Mackerel-seining is extensively practised along the south coast of England, wherever there is a range of beach suitable for hauling the nets on shore. The neighbourhood of Brighton, and a considerable sweep of coast to the west of Portland, are localities well known for the success with which this kind of fishing is carried on. The mackerel-seines in

Description of mackerel-seine. general use are about 150 fathoms long, and from 9 to 10 fathoms in their greatest depth. Some of these nets have a very small-meshed pocket or bag, three fathoms long, opening from the middle of the bunt. These mackerel-nets are regular ground-seines, and are worked from the shore.

"Blind-hauling." "Blind-hauling," is an expression apparently confined to Cornwall, and is applied to the use of the ground-seine, when the net is shot on the chance of catching fish of some kind or other, but of what description the fishermen have no idea. There is a considerable variety in the size of these nets, depending in a great measure on the fancy and convenience of the owners. They are worked after the ordinary fashion of ground-seines.

IV.—*Trammel or Set Nets.*

(*Pl.* 3, *figs.* 1—6.)

Trammel set net. Two kinds of net are commonly spoken of under the name of trammel, and these, whilst agreeing in the manner in which they are set, differ materially in their construction and mode of working.

The trammel generally used is of a very simple character, and consists of a net (fig. 4) ranging, according to circumstances, from 20 or 30 up to 300 yards in length, and a few yards in depth. Its shape is, therefore, just that of a drift-net. It is shot in the direction of the tide, and is anchored and buoyed at each end, the back-rope being supported by small cork floats, and the foot-rope kept close to the ground by means of weights, either of lead, or, in some places, stones sewn up in canvas. The size of mesh varies according to the kind of fish the net is intended to catch, turbot (called "bratt" on the coast of Northumberland), skate, hake, cod, and herrings being among those most frequently taken by this mode of fishing. Just when the herrings are spawning

Grounded herring-nets. drift-nets are in many places used as set-nets, especially on the east coast of Scotland. At that season the herrings naturally keep very much at the bottom, and as they do not then come so much within reach of the drift fishermen, the plan of "grounding" the nets is adopted, by which a considerable quantity of fish is frequently taken. Herring-nets are also sometimes set between the levels of high-water and low-water marks. They are, in such cases, suspended between stakes (plate 3, fig. 3) driven into the sands, and only differ from the ordinary set-nets in being placed so as to intercept the fish when swimming at some little distance from the bottom. In all these varieties of set-nets, or simple trammels, the fish mesh themselves, and the net being rather slack, even turbots become so entangled, or "trammelled," as to be unable to escape.

Trammel. The net to which the name of trammel more particularly belongs is not in very general use on our coasts, and is, perhaps, better known in the West of England and at Guernsey than elsewhere. It is composed of three long nets placed side by side, and fastened together at the top, bottom, and ends. The two outer nets are each five meshes deep, the meshes being ten inches square, and so arranged as to exactly correspond in position in both nets. The middle net is twice as long and deep as the outer ones, but the excess at the edges is gathered in and united all round with the other nets. The whole makes up the trammel, and is set on the ground, with anchors and buoys, in the ordinary manner.

Action of trammel. Its action is peculiar. The outer nets stand with their meshes square and opposite one another (fig. 5), and a fish in passing through the first net meets the second or middle one; this, being very slack, yields to the pressure, and is carried through the opposite large mesh of the third net, forming beyond it a loose bag or pocket (fig. 6), from which the fish vainly struggles to get clear; sometimes, in its efforts to do so, forcing the pocket back through the adjoining large mesh, and rendering escape still more hopeless.

This net is much used for taking red mullet, and in some parts of Cornwall is called a "tumbling net."

Kettle-net. Another arrangement of fixed nets, and which is in general use for taking mackerel between Beachy Head and Folkestone, is the kettle-net (figs. 1, 2). It is only suitable for flat, sandy shores which are left dry for a considerable distance by the ebbing tide, and is worked in summer, when the large shoals of mackerel come close to the land. It is thus

Construction. constructed:—A row of stakes, eleven feet high and eight feet apart, is driven firmly into the sand, extending in a straight line from high-water mark (fig. 1, *I*) to near the limit of low-water at neap-tide (2). To these stakes a train of nets is fastened, so as to form a continuous wall or barrier, sometimes 300 yards long (*a*), and terminating at the entrance to a circular enclosure or "pound" (*b*), 200 yards in

"Pound." circumference, and constructed of stakes and netting in the same manner as in the barrier, an entrance fifteen or twenty feet wide being left on each side of the end of the straight wall. The pound is usually so placed that with an ordinary tide it is never left perfectly dry, and at high-water nearly the whole arrangement of stakes and netting is even with or below the surface. The fish, then keeping along the shore,

Action of kettle-net. and being unable to pass the barrier, have their course turned outwards, and following the line of nets find an apparent outlet at the entrance to the pound, within which the falling tide leaves them prisoners. A second system of stake-nets on the same plan extends from the outside of the pound nearly to the spring-tide low-water mark (3), but this supplementary net is of less extent than the other, the barrier being only 40 yards long and the pound (*c*) 140 yards in circumference. This part of the net can, of course, only be worked at spring-tides.

Size of mesh.

The mesh of the kettle-net is that used in herring-nets, the object being to turn the mackerel, but not to mesh them as in an ordinary set-net or drift-net.

Weirs.

Weirs.

At a few places on the coast where the shore is tolerably flat, and a considerable extent of ground is laid bare by the recess of tide, a system of weirs has been for a long time in operation. These weirs are constructed of stakes driven into the sand and wattled so as to form a fence through which the water passes easily, but sufficiently close to detain or to turn any fish which may come inside, when the tide flows over them. The two arms of the weir extend for a distance of about 200 yards each, and terminate at very nearly a right angle to one another in a closely woven basket having a mouse-trap entrance facing the open part of the weir. For about 40 or 50 yards from the basket the two arms are padded close to the ground with a "cramming," of bushes and matting in order to retain the water, so that when the tide has ebbed far below the weirs, which is the case at spring-tides, there is a certain space inside which is never left quite dry. Several of these weirs are constructed in a continuous line, and are united at the inner extremities of the arms, so that a zigzag barrier is formed by them, extending, when in perfect condition, for a distance of from half a mile to two or three miles along the shore at a little above low-water mark.

The action of these weirs is very simple. At high water the stakes are completely covered, and fish of various kinds come in between them and the shore, but when the tide falls, these fish, unless they escape before the top of the weir shows above water, become prisoners, and ultimately find their way into the trap or remain in the large shallow pool within the angle of the weir, whence they are taken by means of a small net.

The neighbourhood of Swansea may be mentioned as a locality in which these weirs have been worked for a long time, and on a somewhat extensive scale, but it may be questioned whether the supply of fish afforded by them is, as a rule, sufficient to produce much profit on the outlay necessary to keep them in working order.

Stop-nets are worked on the same principle as weirs, the only difference being that netting is everywhere substituted for wattles or basket-work.

V.—*Bag-nets.*

(*Pl.* 4, *figs.* 1, 2.)

Bag-nets.

Bag-nets are almost exclusively used for taking sprats, and the only one of any importance is that called the stow-net, by which many hundreds of tons of sprats are caught every winter at the mouth of the Thames and in the Solent.

Stow-nets

The stow-net, (fig. 1) as generally used, is a funnel-shaped bag about 150 feet long, with the mouth 30 feet deep and 22 feet wide, the upper and lower margins of the entrance being secured to pieces of timber termed "balks." (*a a*) The net is composed of four parts, each having a different sized mesh, that of the cod or pointed end of the funnel being very small. When the net is worked, the vessel (at that time called a stow-boat) comes to anchor just at the turn of tide at some spot where there is an appearance of fish, as shown by the presence of numerous gulls, and by other signs. The net is then lowered to a certain distance below the surface, and the mouth is kept open and facing the tide by means of ropes from the ends of the balks to the vessel and to the anchor, the long net streaming away under the vessel. In this position the stow-boat and net remain anchored for about six hours or until the tide has done, the sprats being carried in myriads by the current through the square mouth of the net down to the narrow closed extremity. As soon as the watch on deck observes that the tide is becoming slack the mouth of the net is closed by the two balks being brought together; this is effected by means of a chain (*b*) made fast to the middle of the lower balk and leading through an iron loop or strop on the upper one, and thence upwards to a short davit at the bow of the vessel; the net is then brought alongside and secured there with ropes called girdlines. The cod or small end of the net having been hauled on board by the pinion, a rope leading from the cod to the vessel, the end of the net is opened and the fish are measured out, three bushels at a time, into the vessel's hold. This mode of fishing, commonly known as "stow-boating," is only carried on from November to February, the time when the sprats enter the estuaries and other narrow waters along certain parts of the coast. The quantity of fish thus taken is sometimes enormous, and it is found that when the shoals are very large they are almost entirely composed of sprats, but when these fish come inshore in small parties they are generally accompanied by numbers of small herrings, and the young of other kinds of floating fish.

Position of net.

Season for stow-boating

Sprats are largely consumed by the poorer classes in London, the vast supply afforded by this wholesale mode of capture enabling the dealers to sell them at a very low price. There is a considerable demand for sprats at the end of the season for the purposes of manure, and the Essex farmers take a large quantity of them also when the boats come in too late for the market trains, or on Saturdays, when there being no market on the following day, it is useless to send them to London. The supply of sprats, like that of other surface-swimming fish, fluctuates from year to year, and this fluctuation has no apparent connexion with the greater or less extent of the catch in the previous season.

Market for sprats.

Used for manure.

Supply of sprats.

In some localities, among which Waterford Harbour may be instanced, nets of the same shape as the stow-net, but much smaller, are suspended from stakes, the remains of disused salmon weirs. These nets (fig. 2) are 14 feet wide and eight feet deep at the mouth, the tapering bag streaming away in the tide for a distance of 14 fathoms. Their action is precisely the same as that of the stow-net, and their efficiency is relatively as great if the fish, in their periodical visits to the harbour, come within their reach. This, however, is not always the case.

Sprat-nets in Waterford harbour.

Smaller bag-nets, mounted in the same manner as those just mentioned, are used in Bridgewater Bay and elsewhere. They are set for catching any fish that may come in with the tide, but the supply from them is unimportant and they are used in only a few localities.

Small bag-nets.

Line-fishing.

(*Pl.* 4, *figs.* 3, 4.)

Line-fishing.

The methods of line-fishing in general use all round the coasts of the British Islands may be arranged under two heads, viz., Long-lines and Hand-lines.

1.—*Long-lines.*

Long-lines.

The long-line, spilliard, spiller, bulter, or trot (fig. 3.) is a very important means of fishing, and one by which a large and varied supply of fish is provided for the market. Cod, ling, and haddock may be especially mentioned among the products of this mode of fishing, and a notice of the lines worked in the North Sea by the Grimsby cod-smacks will sufficiently explain the general system of long-line fishing on all parts of the coast.

A complete set of long-lines as applied to each cod-smack, consists of about 15 dozen lines, each of which is 40 fathoms long, and has 26 hooks on short lines called "snoods," and fastened to the main line at intervals of a fathom and a half, so as to prevent their fouling one another. These lines, about 180 in number, are united into one, and, as the vessel sails on, are shot across the tide, so that the snoods may all hang clear. In this manner the whole eight miles or more of line and nearly 5,000 hooks are paid out, small anchors being placed at the extremities and at intervals of 40 fathoms along the line to keep it in position at the bottom. The situation of the line is marked by buoys (*a*) fastened to it at regular distances. The line is usually shot at half tide and the smack then heaves to till the tide turns, when the end of the line is got on board and the whole of it is hauled in, the vessel sailing slowly along in the direction in which the line was laid. In very fine weather the line is hauled into the smack's boat, but it is rarely that this can be done in the North Sea. As soon as the cod and haddock are taken off the hook they are put into a "well" formed by a part of the smack's hold divided from the rest of the vessel by water-tight bulkheads. The well occupies the whole breadth of the vessel, and the sea has free access to it through auger holes bored in the sides and bottom of that part of the smack. When the well has been sufficiently stored the vessel returns to port with her cargo of live fish, which are then transferred to chests in which they are kept afloat and in good order till wanted for market. Some hundreds of these cod, according to the demand, are taken out of the chests every afternoon, and after being killed by one or two blows on the head, are sent by train to Billingsgate and other markets, where they are sold as "live cod," and fetch the highest price given for that kind of fish. Haddocks are stored and treated in a similar manner, but the supply of line-caught haddocks is trifling compared with that provided by the trawlers.

"Well."

"Live cod."

The practice of storing live cod in floating chests is of long standing, but until a comparatively recent date Harwich and Gravesend were the only places where it was adopted.

The general system of long-line fishing is the same everywhere, the length of line and the number and size of the hooks varying according to circumstances.

Hand-lines are used for several kinds of fish, and the

Hand-lines

PLATE 4.

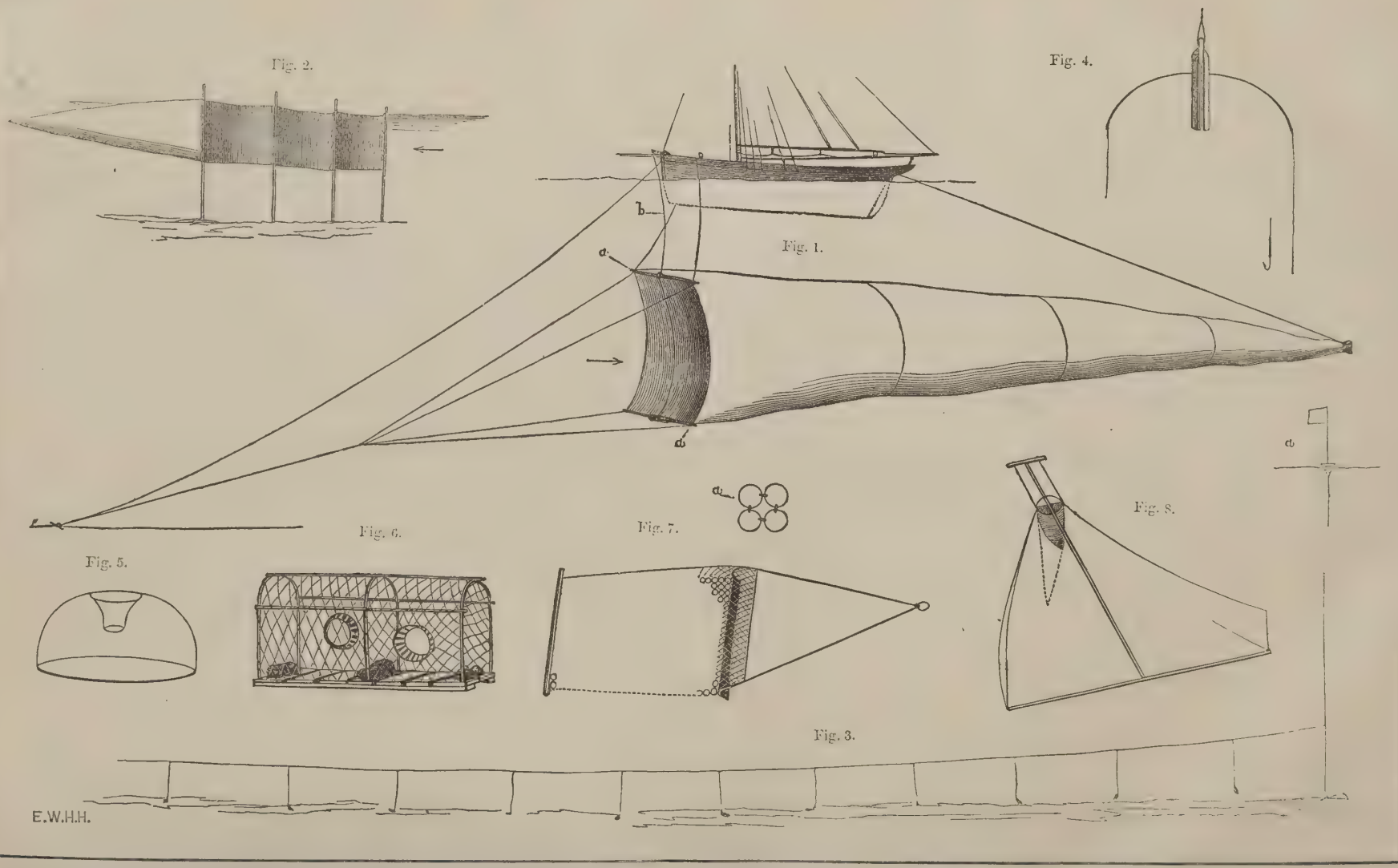


Fig. 1. Sow-net. 2. Stake bag-nets. 3. Long-line. 4. Plummet and sprawl-wire. 5. Lobster-pot (*outline*). 6. Lobster-creel. 7. Oyster-dredge. 8. Shrimp-net.

manner in which the leads, hooks, and baits are arranged varies almost indefinitely, but except in certain districts, and at particular seasons, the supply provided by them is barely sufficient for local demands. An illustration of hand-line fishing may be taken from the method of working on board the cod-smacks in the early part of the season before the long-lines are set on the Dogger Bank. The gear consists of a single stout line about 50 fathoms long fastened to a thick conical piece of lead (fig. 4) in the upper part of which a stiff piece of wire is fixed. This is commonly known as the "sprawl wire," and projects in either a straight line or with a downward curve on opposite sides of the lead. A snood with a single large hook is fastened to each end of the wire. The lines are worked from the vessel, which is hove to at the time; and each one of the crew, 10 in number, is furnished with a couple of lines. The cod are placed in the vessel's well as soon as they are caught, and their subsequent treatment and disposal are the same as we have been already describing when speaking of the fish taken by the long-line.

"Sprawl wire."

Baits.

The bait in most favour with the North Sea cod-fishermen is the common large whelk, but on many parts of the coast herrings are by far the most attractive, and at certain seasons the only killing bait for cod. Mussels are perhaps more commonly used as bait than anything else for general line-fishing.

Dandy-line.

The dandy-line or jigger is another form of line used at some few places for catching herrings when they are found in large numbers close to the ground. The line has a single weight or plummet, and above this pieces of whalebone or stout wire having a small bright hook suspended from each end are fastened at regular intervals. The whole apparatus is then lowered, and moved up and down among the fish, which attracted by the shining hooks are often taken in some numbers. The supply from this method of fishing is, however, principally for the purpose of bait.

Lobster-fishing.

Lobster-pot.

Crabs and lobsters are most commonly taken in pots and creels, the principle on which these traps are constructed being the same in both cases. The pot (of which an outline is given in fig. 5) is a hemispherical coop of basket-work, closed below, and with a funnel-shaped or mouse-trap entrance at the top, by means of which the lobster can readily pass in, but having once gone completely through the funnel it cannot very easily return. The creel (fig. 6) is a rectangular cage, with a rounded roof, and is made up of a light wooden frame, covered at the top and sides with stout netting.* The entrances to the creel are of the same mouse-trap character as in the lobster-pot, and they are placed one on each side near the opposite ends of the cage. These funnels are usually constructed of small pieces of cane, so as to make a firm smooth passage. Both pots and creels are weighted with stones, and some kind of coarse fish is put inside them as a bait. Several of these traps, fastened together by a rope, with a distance of eight or ten fathoms between them, are sunk on rocky ground such as lobsters and crabs are known to frequent, and are examined after a few hours. A third mode of catching lobsters is by the trunk, an iron ring about two feet in diameter, from which is suspended a short bag of coarse net. When the trunk is set the ring and net lie flat on the ground, and the bait is fastened in the centre to lines crossing the ring. As there is nothing to prevent the lobsters from leaving the bait when they choose, it is necessary to examine the trunk very frequently, and the greatest caution is requisite in hauling it up, especially when it comes near the surface, as the lobster then often takes alarm, and, springing backwards, escapes over the ring. Very large lobsters are not uncommonly taken by the trunk, but so much skill is required to work this contrivance successfully that most fishermen prefer the creel or pot, by which a considerably larger supply is obtained, although the average size of the fish thus caught is very much less.

Creel.

Trunk.

Parton-net.

On some parts of the Scotch coast a simple trammel or set-net is used for catching crabs or "partons," as they are there called. This trammel is set in the ordinary manner, and the crabs become effectually entangled in trying to force their way through the net.

Oyster-dredging.

Oyster-dredge.

The dredge (fig. 7) is constructed in the same manner on all parts of the coast, the only difference being in its breadth, which varies from three to six feet, the smaller ones being in most favour. The body of the dredge consists of a flat bag, the under part of which is made of iron rings two and a half or three inches in diameter, and looped together with stout wire (*a*). The upper side is merely of strong netting, as it is not exposed to so much wear as the part which is dragged over the rough ground. The mouth of this bag is fastened to an iron frame, with an opening extending for the whole breadth of the bag, and about four inches deep. The lower part of the frame is flattened and turned forwards at such an angle as to enable it to scrape the surface of the ground without absolutely tearing it up. To the ends of the scraper two stout iron rods are firmly welded, and these, after curving upwards to form the narrow sides of the mouth, extend forwards for a distance of four or five feet, and unite into a handle to which the tow-rope is made fast. The free end of the bag is commonly fastened to a stout piece of wood or stick, which gives a convenient hold when the contents of the dredge are being turned out, and similar pieces of wood are also in some cases attached to the sides of the dredge. But little skill is requisite in working the dredge. It can be used without any reference to the direction of the tide, its weight being always sufficient to keep it at the bottom. Some little care, however, is needed to ensure the dredge sinking with the scraper next to the ground, and the quantity of rope to be given out also requires attention. The boats employed in dredging range from the small open rowing boat to the decked smack of 25 or 30 tons, and from one to six dredges are worked at a time, according to circumstances.

Shrimp-nets.

Shrimping is carried on with nets worked by hand, and with small beam-trawls, or more commonly with nets resembling trawls in their general form and action, but differing from them in some essential points of construction.

Hand or shove net.

The hand or "shove" net varies a little in shape on different parts of the coast, but it may be generally described as a large, shallow, semicircular or triangular net, extended into the form of a wide scoop or shovel. The kind of net (pl. 4, fig. 8) used near Grimsby has a light wooden scraper in front, about ten feet long, into the middle of which a handle or pole, of the same length, is fixed at right angles. The net is fastened along the whole extent of the scraper and to two iron uprights at the extremities, thence extending upwards to a small hoop, through which the pole passes at about two feet from the upper end, which terminates in a cross piece of wood for a handle. Immediately below the hoop the net opens into a long bag or pocket, which receives the shrimps when the front of the net is raised. These hand-nets are pushed or "shoved" along in front of the fisherman as he wades through the shallow water near the edge of the tide, the scraper being kept on the ground in order to disturb the shrimps, which then pass into the net and are quickly transferred to the pocket.

Mode of working.

"Red shrimp" trawl.

Prawns or "red shrimps," as they are often called, are taken in some places with an ordinary beam-trawl, having a beam 18 or 20 feet long and a very small mesh.

Shrimp tow-net.

The regular shrimp-net in use at the mouth of the Thames, and which is worked so successfully by the fishermen of Leigh, near Southend, is in shape like a trawl-net, but it has a wooden beam 9 or 10 feet long, weighted with lead placed on the lower side of the mouth of the net, to act as a scraper instead of the ordinary ground-rope previously referred to in the description of the beam-trawl. Parallel to this beam, and supported by an upright stick fixed into the middle of it, is a pole six feet long, to which the upper side of the net is fastened, the two beams or poles being kept square by ropes leading from the one to the other at their extremities. Trawl heads are not required here, as the upright stick, about two feet long, keeps the mouth of the net open. These shrimp-nets are towed with the tide and are hauled up at intervals ranging from a quarter of an hour to an hour, or even more, depending on the wind and the extent of ground gone over. From two to four of these nets are worked at a time from small decked smacks of about 32 feet over all. The nets are hauled in one at a time, and the shrimps are immediately sifted, and those of a marketable size are placed in a well constructed in the same manner as those in the cod-smacks. There they are kept alive till brought on shore in the afternoon. The shrimps are then boiled and sent by train in time for the London market next morning. The supply of shrimps is large and tolerably regular, according to the season. As many as 100 gallons of shrimps have been taken by one vessel in a single day, and it is no uncommon occurrence for 2,000 gallons to be sent to London as the joint produce of a day's fishing by the Leigh shrimpers.

Working the shrimp-net.

Supply of shrimps.

* In the woodcut (fig. 6) the netting is, for the sake of clearness, only shown on one side of the creel.

No. 2.

NORTHERN ENSIGN" HERRING FISHING STATISTICS.

The Whole North-East Coast of Scotland.

Boats employed at each Station.

Stations.	1857.	1858.	1859.	1860.	1861.	1862.	1863.	1864.
Wick - -	1,100	1,061	1,095	1,084	1,100	1,122	1,085	976
Lybster - -	302	232	228	266	255	245	214	226
Dunbeath - -	75	94	162	92	80	78	80	82
Helmsdale - -	200	240	217	187	210	265	264	260
Brora - -	28	20	30	19	20	27	21	20
Cromarty - -	150	154	150	156	155	156	160	200
Burghead - -	68	66	46	60	60	90	101	110
Hopeman - -	45	51	41	51	58	58	70	56
Findhorn - -	17	12	24	20	12	3	—	—
Lossiemouth -	90	106	105	116	110	117	101	95
Portgordon - -	59	60	40	42	21	44	27	20
Portsoy - -	26	28	28	13	28	28	24	23
Cullen - -	26	37	24	31	26	36	32	33
Portknockie -	22	22	13	18	28	28	31	26
Findochty - -	19	19	13	24	22	30	28	30
Portessie - -	19	26	12	17	44	15	15	20
Buckie - -	72	92	78	82	95	81	73	70
Whitehills - -	41	42	41	45	48	35	33	30
Macduff - -	62	64	58	58	50	54	62	60
Gardenstown -	45	54	54	48	54	56	47	44
Pennan - -	9	9	11	10	11	9	4	5
Rosehearty - -	41	36	40	47	40	38	54	59
Pitullie - -	33	29	29	20	24	24	25	9
Fraserburgh -	248	247	298	251	175	179	227	229
Peterhead - -	232	232	217	254	240	261	333	380
Boddam - -	26	27	31	40	45	33	52	48
Total -	3,055	3,161	3,084	3,051	3,011	3,109	3,163	3,111

Averages at each Station.

Crans.

Stations.	1857.	1858.	1859.	1860.	1861.	1862.	1863.	1864.
Wick - -	75	85	80	97	81	81	83	92
Lybster - -	75	64	46	90	66	70	116	85
Dunbeath - -	75	61	23	65	84	79	85	64
Helmsdale - -	94	57	42	99	127	100	92½	112
Brora - -	72	80	42	140	81	67	74	125
Cromarty - -	48	18	47	81	118	72	85	75
Burghead - -	93	56	36	100	132	101	102	107
Hopeman - -	102	90	120	140	183	167	145	104
Findhorn - -	60	30	114	49	90	98	—	—
Lossiemouth -	82	103	90	120	92	93	120	63
Portgordon -	53	70	70	95	64	106	156	58
Portsoy - -	90	42	27	84	94	117	88	40
Cullen - -	105	53	53	99	85	116	107	40
Portknockie -	92	64	89	133	103	126	132	72
Findochty - -	119	100	110	91	95	149	134	68
Portessie - -	121	92	140	105	85	145	90	69
Buckie - -	72	90	70	91	56	106	113	55
Whitehills - -	103	24	28	46	70	136	67	40
Macduff - -	105	44	45	64	84	146	79	40
Gardenstown -	142	108	70	96	123	230	138	67
Pennan - -	75	97	50	63	74	135	92	53
Rosehearty - -	81	124	76	66	115	206	124	79
Pitullie - -	75	120	50	54	71	157	60	80
Fraserburgh -	96	151	75	70	95	244	110	117
Peterhead - -	80	96	62	75	136	201	95	80
Boddam - -	92	89	40	70	120	165	90	80

No. 2.—*continued.*

TOTAL CATCH at all the STATIONS.

Stations.	1858.	1859.	1860.	1861.	1862.	1863.	1864.
Wick	90,763	87,400	105,482	89,728	90,644	90,099	90,033
Lybster	20,667	10,376	23,940	16,828	17,150	24,982	19,120
Dunbeath	5,734	3,726	5,982	6,720	6,162	6,800	5,248
Helmsdale	13,680	9,124	18,513	26,670	26,500	24,982	29,120
Brora	2,040	1,260	1,660	1,620	1,809	1,554	2,460
Cromarty	2,772	7,050	12,636	18,060	11,232	13,600	15,000
Burghead	3,696	4,416	6,000	7,920	9,090	10,320	11,770
Hopeman	4,590	4,920	7,140	11,614	9,686	10,150	5,824
Findhorn	360	2,736	890	1,080	294	—	—
Lossiemouth	10,918	9,450	13,920	10,175	10,881	12,020	5,985
Portgordon	4,200	2,800	3,990	2,783	4,664	4,312	1,160
Portsoy	1,176	756	1,092	1,974	3,290	2,112	920
Cullen	1,961	1,266	3,069	2,380	4,200	3,424	1,220
Portknockie	1,408	1,160	2,394	2,691	3,542	3,092	1,872
Findochty	1,900	1,430	2,184	2,660	4,480	3,752	2,040
Portessie	2,382	1,680	1,735	1,881	2,180	1,350	1,380
Buckie	8,280	5,460	7,462	5,320	8,600	8,249	3,850
Whitehills	1,008	1,138	2,122	2,792	4,753	2,211	1,200
Macduff	2,816	2,595	3,712	4,200	7,884	4,898	2,400
Gardenstown	5,832	3,780	4,608	6,642	12,908	6,386	2,948
Pennan	873	550	630	819	1,215	368	265
Rosehearty	4,712	3,053	3,102	4,620	7,828	6,898	4,602
Pitullie	3,480	1,460	1,080	1,720	3,768	1,500	720
Fraserburgh	37,297	22,300	17,570	16,581	42,944	24,970	26,793
Peterhead	22,272	13,454	19,050	32,600	52,461	31,535	32,680
Boddam	2,403	1,240	2,800	5,890	5,445	4,680	3,640
Total	256,520	204,580	272,903	285,878	353,610	304,780	272,350

ABSTRACT of BOATS.

Counties.	1857.	1858.	1859.	1860.	1861.	1862.	1863.	1864.
Caithness	1,477	1,478	1,484	1,442	1,435	1,445	1,379	1,284
Sutherland	228	264	247	206	230	292	285	280
Cromarty	150	154	150	156	155	156	160	200
Moray	220	235	216	247	240	268	272	261
Banff	346	390	307	330	362	407	372	356
Aberdeen	634	636	680	670	589	541	695	730
Total	3,055	3,161	3,084	3,051	3,011	3,109	3,163	3,111

ABSTRACT of NUMBER of CRANS CAUGHT.

Counties.	1857.	1858.	1859.	1860.	1861.	1862.	1863.	1864.
Caithness	110,702	117,164	101,502	135,404	113,276	113,956	121,881	114,401
Sutherland	20,816	15,720	10,384	20,173	28,290	28,309	25,974	31,580
Cromarty	6,900	2,722	7,050	12,636	18,060	11,232	13,600	15,000
Moray	19,314	19,564	21,522	28,040	30,789	29,951	32,490	24,739
Banff	30,708	25,231	18,285	27,810	26,681	56,501	40,786	17,930
Aberdeen	57,511	76,069	45,837	48,840	68,782	113,661	70,049	68,700

ESTIMATED NUMBER OF HANDS EMPLOYED.

	Fishermen.	Others.	Total.
Caithness	6,500	3,100	9,600
Sutherland	1,800	1,300	3,100
Cromarty	1,400	1,000	2,400
Moray	1,600	1,100	2,700
Banff	2,000	1,300	3,300
Aberdeen	3,800	2,400	6,200
Total	17,100	10,200	27,300

No. 2.—*continued.*

WICK HERRING FISHING since 1820.

Year.	Boats.	Average Crans.	Total Crans.	Year.	Boats.	Average Crans.	Total Crans.
1820	604	148	89,392	1843	820	109	89,380
1821	595	123	72,185	1844	906	110	99,660
1822	575	91	52,325	1845	960	108	100,680
1823	555	123	68,265	1846	960	110	105,600
1824	625	123	76,875	1847	774	112	89,600
1825	738	128	94,468	1848	822	115	94,560
1826	807	99	79,893	1849	800	140	112,000
1827	913	121	110,473	1850	804	100	80,400
1828	830	142	117,860	1851	1,000	100	100,000
1829	955	101	96,455	1852	1,020	75	76,500
1830	866	148	128,168	1853	1,002	122	122,000
1831	1020	82	83,640	1854	935	104	96,720
1832	908	88	79,464	1855	1,054	142	135,468
1833	824	140	115,360	1856	1,050	89	93,400
1834	834	33	27,524	1857	1,100	75	82,426
1835	830	108	89,600	1858	1,061	85	90,763
1836	728	80	60,000	1859	1,094	80	87,400
1837	665	115	75,475	1860	1,084	97	105,482
1838	566	136	76,976	1861	1,100	81	89,728
1839	640	117	74,880	1862	1,122	81	90,644
1840	765	100	75,000	1863	1,085	83	90,099
1841	736	125	91,750	1864	976	92	90,033
1842	830	132	109,000				

PROGRESS OF THE SCOTCH HERRING TRADE.

The following figures show the progress of the herring trade over the whole of Scotland, so far as cured fish are concerned, since 1809 :—

	Barrels.		Barrels.		Barrels.		Barrels.
1809	90,135	1823	392,112	1837	507,774	1851	594,031
1810	91,827	1824	347,665	1838	555,559	1852	498,788
1811	111,519	1825	379,233	1839	543,954	1853	710,344
1812	153,488	1826	288,495	1840	557,262	1854	636,532
1813	110,542	1827	399,778	1841	667,245	1855	766,703
1814	160,139	1828	355,979	1842	623,419	1856	580,000
1815	162,651	1829	329,557	1843	665,395	1857	550,000
1816	192,343	1830	439,370	1844	526,032	1858	630,000
1817	227,691	1831	362,660	1845	532,646	1859	500,000
1818	340,894	1832	416,964	1846	607,451	1860	637,000
1819	382,491	1833	451,531	1847	562,743	1861	680,000
1820	442,195	1834	277,317	1848	644,368	1862	771,000
1821	316,523	1835	497,614	1849	770,698	1863	654,000
1822	348,869	1836	397,829	1850	544,009	1864 (estimated)	630,000

No. 3.

NORTH BRITISH RAILWAY.

RETURN of the WEIGHT of SEA FISH sent from Ports on the NORTH BRITISH RAILWAY during the Years 1862, 1863, and 1864 respectively.

Stations.	1862.	1863.	1864.
	Tons cwts. qrs.	Tons cwts. qrs.	Tons cwts. qrs.
Anstruther	—	362 15 2	2,514 10 0
Burntisland	355 3 2	393 5 3	494 7 0
Cameron Bridge	800 0 0	750 0 0	440 0 0
Elie	—	13 6 2	18 1 1
Kilconquhar	2,715 0 0	2,018 0 0	6 0 0
Largo	138 6 0	109 2 0	94 18 0
Newburgh	56 3 0	66 10 0	79 8 0
Pittenweem	—	86 2 0	613 14 1
St. Andrews	83 7 1	59 19 3	39 12 0
St. Monance	—	234 3 3	995 19 1
Tayport	32 18 0	30 13 3	36 5 1
Prestonpans	751 1 3	613 7 3	636 15 0
North Berwick	495 9 0	361 13 0	389 11 0
Dunbar	3,064 7 3	1,900 9 2	3,285 18 0
Innerwick	94 9 3	59 17 0	64 19 2
Cockburnspath	158 10 2	143 19 3	161 3 1
Reston	219 3 0	300 2 1	287 17 3
Ayton	3 13 1	3 1 0	2 15 3
Burnmouth	2,574 3 0	2,906 18 0	3,870 14 0
Berwick (sent North)	187 16 0	425 2 0	400 16 0
Berwick (sent South)	562 2 0	669 0 0	674 16 0
Total	12,292 3 3	11,507 9 1	15,088 1 1

No. 4.

RETURN of the QUANTITY of FISH in TONS forwarded by the NORTH-EASTERN RAILWAY COMPANY from the under-mentioned Ports and Places in each of the years ending 31st December from 1853 to 1864 inclusive.

	1853.		1854.		1855.		1856.		1857.		1858.		1859.		1860.		1861.		1862.		1863.		1864.	
	Herrings.	Other Fish.	Herrings.	Other Fish.	Herrings.	Other Fish.	Herrings.	Other Fish.	Herrings.	Other Fish.	Herrings.	Other Fish.	Herrings.	Other Fish.	Herrings.	Other Fish.	Herrings.	Other Fish.	Herrings.	Other Fish.	Herrings.	Other Fish.	Herrings.	Other Fish.
	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.
Berwick	—	—	203	455	201	380	197	274	265	466	316	464	541	379	331	396	238	357	238	354	424	381	538	403
Tweedmouth	—	—	—	—	531	2	641	4	464	3	500	13	453	31	390	5	692	103	509	137	551	97	569	99
Beal	—	—	—	—	—	—	10	104	—	79	37	86	6	119	31	141	42	159	17	169	33	148	49	161
Chathill	—	—	995	3	902	42	247	155	576	168	279	172	1,099	222	1,132	186	1,173	241	1,189	229	1,568	236	1,388	236
Christon Bank	—	—	156	—	255	—	227	3	179	201	141	204	203	173	295	170	283	226	264	260	307	207	331	226
Long Houghton	—	—	90	63	64	57	109	98	270	93	172	102	284	97	457	131	548	78	446	124	614	135	550	162
Bilton	—	—	11	24	9	166	27	86	84	101	42	68	47	77	33	76	44	66	32	71	58	65	77	60
Warkworth	—	—	—	7	—	1	—	—	1	—	1	5	—	6	5	4	3	6	—	3	1	1	—	2
Acklington	—	—	93	127	140	187	74	151	57	144	88	163	47	168	38	230	79	169	67	160	83	168	78	165
Longhirst	—	—	—	—	139	504	163	531	142	532	110	604	52	512	53	640	68	432	58	347	58	436	20	523
Tynemouth	—	—	285	61	306	68	121	40	168	20	107	26	85	4	181	43	259	25	105	35	151	41	31	67
Sunderland	—	—	—	—	—	—	—	—	—	—	—	3	—	4	—	21	—	40	—	28	—	59	—	63
Hartlepool	—	—	—	187	—	506	—	392	—	418	—	222	—	338	—	418	—	751	—	998	—	848	—	789
Whitby	—	—	—	—	—	—	—	—	—	—	—	—	—	1,696	—	1,670	—	3,502	—	3,186	—	3,397	—	2,138
Scarborough	—	1,832	—	2,193	—	2,459	—	2,068	—	3,029	—	4,486	—	5,793	—	3,975	—	6,371	—	6,492	—	5,540	—	6,660
Grosmont	—	205	—	297	—	301	—	309	—	446	—	215	—	283	—	318	—	472	—	431	—	389	—	335
Hull	—	—	—	1,586	—	2,368	—	3,922	—	4,081	—	3,603	—	3,742	—	5,535	—	5,664	—	5,568	—	5,020	—	6,293
Bridlington	—	—	—	—	—	—	—	—	55	468	87	652	2	996	103	852	88	647	131	931	23	657	82	275
Marton	—	—	146	318	155	429	64	503	161	308	85	472	68	453	58	424	27	364	47	582	47	828	40	603
Filey	—	—	—	809	—	903	992	63	908	140	1,136	245	1,028	253	986	236	1,295	245	1,562	255	1,282	296	1,434	339
Total	—	2,037	1,979	6,130	2,702	8,373	2,872	8,703	3,330	10,697	3,101	11,805	3,915	15,346	4,093	15,471	4,834	19,918	4,665	20 360	5,261	18,950	5,271	19,600

No. 5.

Blyth and Tyne Railway.

Return of Fresh Fish carried from the under-mentioned Places during the years 1858-64.

Tons.

Stations.	1858.		1859.		1860.		1861.		1862.		1863.		1864.		Total.
	Herrings.	Other Fish	Herrings.	Other Fish.	Herrings.	Other Fish.	Herrings.	Other Fish.	Herrings.	Other Fish.	Herrings.	Other Fish.	Herrings.	Other Fish.	
Cullercoats	—	—	—	—	—	—	—	—	—	—	—	—	2½	56¾	58¼
North Seaton	—	—	—	—	68	4	41	61	18	38	19	26	12	10	297
Blyth	—	—	—	—	—	—	—	—	—	—	3	3	—	4	10
Bridlington	—	3	—	4	—	2	—	—	—	—	—	—	—	—	9
Grand Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	374¼

No. 6.

Account of Fish landed (within the Docks) at the Port of Hull for the years ending 31st December 1852 to 1864 inclusive.

Years.	Number of Pads* ex Smacks.	Number of Packages ex Foreign Steamers.	Total number of Packages.
1852	8,159	,,	8,159
1853	16,175	,,	16,175
1854	20,950	,,	20,950
1855	61,645	,,	61,645
1856	76,088	,,	76,088
1857	80,104	,,	80,104
1858	79,549	,,	79,549
1859	77,217	,,	77,217
1860	101,123	17,493	118,616
1861	91,260	16,881	108,141
1862	106,791	20,392	127,183
1863	87,717	23,033	110,750
1864	119,489	24,284	143,773

* 1 Pad—1½ cwt.

No. 7.

Manchester, Sheffield, and Lincolnshire Railway.

Statement showing the Number of Tons of Fish forwarded by the Manchester, Sheffield, and Lincolnshire Railway Company from the under-mentioned Ports during the years ending 31st December from 1855 to 1864 inclusive.

Ports.	Quarter ending	1855.		1856.		1857.		1858.		1859.		1860.		1861.		1862.		1863.		1864.	
		Tons.	Total.	Tons.	Total.	Tons.	Total.	Tons	Total.	Tons.	Total.	Tons.	Total.	Tons.	Total.	Tons.	Total.	Tons.	Total.	Tons.	Total.
Grimsby	March 31	70		60		120		235		309		530		750		1,096		1,173		1,634	
	June 30	19		35		69		97		151		177		210		541		766		1,346	
	Sept. 30	87		24		54		80		141		130		381		709		963		1,299	
	Dec. 31	32		33		103		182		354		410		566		905		1,285		1,576	
		894	188	415	152	264	346	527	594	477	955	589	1,247	586	1,907	856	3,251	515	4,187	626	5,855
Hull	March 31	270		102		150		177		114		231		144		364		675		800	
	June 30	170		107		83		135		146		274		194		168		340		396	
	Sept. 30	347		171		457		503		683		641		680		623		489		761	
	Dec. 31		1,681		795		954		1,342		1,420		1,735		1,604		2,011		2,019		2,583
Liverpool	March 31	—		—		—		—		—		—		—		1		—		2	
	June 30	—		—		—		—		—		—		—		52		15		29	
	Sept. 30	—		—		—		—		—		—		—		101		69		25	
	Dec. 31	—		—		—		—		—		—		—		14		10		—	
																	168		94		56
			1,869		947		1,300		1,936		2,375		2,982		3,511		5,430		6,300		8,494

No. 8.

Great Northern Railway.

Return of Fish forwarded from Great Grimsby during the following years.

1856.	1857.	1858.	1859.	1860.	1861.	1862.	1863.	1864.	Total.
Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.
1,362	3,089	3,750	3,787	3,595	3,464	5,270	5,221	5,343	35,881

No. 9.

Port of Yarmouth.

A Return of the Shipments of Herrings from this Port to Foreign Parts in the 10 years ended 31st December 1864.

Year.	Number of Barrels.	Year.	Number of Barrels.
1855	20,248	1860	54,684
1856	38,227	1861	35,849*
1857	39,401	1862	44,786*
1858	41,962	1863	44,317*
1859	32,799	1864	38,522*

* The falling off in these years is accounted for by the removal, coastwise and by rail, to London for exportation from that port.

No. 10.

Lowestoft Harbour.

Fish Market Returns (to 31st December 1864).

Year and Seasons.	Spring. Herrings.	Mackerel in Hhds.	Midsummer. Herrings.	Mackerel in Hhds.	Michaelmas. Herrings.	Mackerel in Hhds.	Score of Cod.	Trawl Fish. Soles. Packages.	Trawl Fish. Offal. Packages.
	Lasts. T. H.		Lasts. T. H.		Lasts. T. H.				
1860	1,521 3 2	59	304 8 2	307	2,645 6 1	14,407	30	29,439*	—
1861	793 9 6	7,449	261 0 2	106	3,613 8 9	Nil.	184	23,374	18,077
1862	538 5 4	11	75 2 4	1,151	5,711 7 4	Nil.	143½	20,061	14,362
1863	1,044 4 5	31	17 3 2	598	5,226 5 6	Nil.	179	45,296	26,904
1864	1,634 4 3	123	38 4 4	401	4,675 1 2	Nil.	459	34,638	22,059
Totals -	5,532 7 0	7,673	696 8 4	2,563	21,872 9 2	14,407	995½	152,808	81,402

* Soles and Offal.

N.B.—Herrings 132 to a hundred; 13,200 to a last, fishermen's tale.

No. 11.

Port of Lowestoft.

A Return of the Quantities of all Kinds of Foreign Fish landed at Lowestoft from 1854 to 1864, inclusive.

Year.	Herrings. Fresh.	Herrings. Salt.*	Cod. Fresh.	Cod. Salt.	Fish unenumerated. Fresh.	Fish unenumerated. Salt.	Flat Fish.§	Lobsters.
	cwt.	cwt.	cwt.	cwt.	cwt.	cwt.	cwt.	cwt.
1854	—	—	—	—	—	—	—	898‖
1855	—	1,420	—	—	—	—	—	—
1856	—	—	—	—	—	—	8½	—
1857	—	—	—	—	—	—	15	—
1858	—	—	—	—	21½	—	4½	—
1859	4	—	5¾	—	9½	—	12	—
1860	—	4,550	—	—	9	—	5½	—
1861	—	—	247½	27	180	48	—	—
1862	—	6,819	101	26	158	20	—	—
1863	—	1,990	12	8	‡2,223	15	—	—
1864	—	4,160	—	9†	‡9,572	—	18¾	—

* Herrings from Norway. † From France. ‡ Mackerel from Norway.
§ Ex refuge vessels. ‖ From Norway.

No. 12.

Port of Lowestoft.

A Return of the Number of Boats belonging to this Port in each year respectively from 1854 to 1864, inclusive.

—	1854.	1855.	1856.	1857.	1858.	1859.	1860.	1861.	1862.	1863.	1864.
Number of boats belonging to this port engaged in fishery in each of the above years -	32	*53	*82	*108	*118	*116	*120	*134	*157	*166	*167

* Tonnage of these boats, 11 to 35 tons; manned by from 5 to 11 men and boys.

No. 13.

Statement of Average Prices and Catches of Herrings from 1854 to 1864, both inclusive, furnished by Mr. B. M. Bradbeer, fish salesman, of Lowestoft.

These statistics of the herring and mackerel fisheries refer especially to the catches of those boats for which Mr. Bradbeer sold, but they may be considered as generally applicable to all the boats fishing from Lowestoft during the period for which these returns are given.

Voyages.	1854. Number of boats engaged.	1854. Average price per 100.	1854. Average amount earned per boat.	1854. Average catch per boat.	1855. Number of boats engaged.	1855. Average price per 100.	1855. Average amount earned per boat.	1855. Average catch per boat.	1856. Number of boats engaged.	1856. Average price per 100.	1856. Average amount earned per boat.	1856. Average catch per boat.	1857. Number of boats engaged.	1857. Average price per 100.	1857. Average amount earned per boat.	1857. Average catch per boat.	1858. Number of boats engaged.	1858. Average price per 100.	1858. Average amount earned per boat.	1858. Average catch per boat.	1859. Number of boats engaged.	1859. Average price per 100.	1859. Average amount earned per boat.	1859. Average catch per boat.
	No.	s. d.	£	Lasts.	No.	s. d.	£	Lasts.	No.	s. d.	£	Lasts.	No.	s. d.	£	Lasts.	No.	s. d.	£	Lasts.	No.	s. d.	£	Lasts.
Spring -	12	0 10½	89	20 19/100	21	1 2¾	184	29 54/100	29	0 10¼	107	23 45/100	24	0 10½	110	24 33/100	25	0 8	68	20 5/100	27	0 9½	54	13 53/100
Midsummer	13	7 5½	125	3 26/100	30	2 9¼	297	21 7/100	34	5 11½	183	6 16/100	55	5 7½	110	3 33/100	56	5 4½	99	3 70/100	66	8 9¼	56	1 35/100
Autumn -	23	2 2½	241	21 83/100	29	2 3¼	272	23 83/100	32	2 1¾	308	28 98/100	28	2 6¾	252	19 67/100	33	2 0¼	167	16 39/100	34	2 3	222	19 74/100

(continued.)

Voyages.	1860. Number of boats engaged.	1860. Average price per 100.	1860. Average amount earned per boat.	1860. Average catch per boat.	1861. Number of boats engaged.	1861. Average price per 100.	1861. Average amount earned per boat.	1861. Average catch per boat.	1862. Number of boats engaged.	1862. Average price per 100.	1862. Average amount earned per boat.	1862. Average catch per boat.	1863. Number of boats engaged.	1863. Average price per 100.	1863. Average amount earned per boat.	1863. Average catch per boat.	1864. Number of boats engaged.	1864. Average price per 100.	1864. Average amount earned per boat.	1864. Average catch per boat.
	No.	s. d.	£	Lasts.	No.	s. d.	£	Lasts.	No.	s. d.	£	Lasts.	No.	s. d.	£	Lasts.	No.	s. d.	£	Lasts.
Spring -	18	0 10½	98	22 85/100	18	1 5½	116	16	19	1 8	42	5 7/100	9	1 2	118	20 5/100	13	1 9½	148 0	24 18/100
Midsummer	52	8 6	79	1 57/100	41	9 0	41	1 1/100	31	10 1½	31	6 1/100	18	11 7	13	1 1/100	21	10 9	23 10	1 14/100
Autumn -	34	2 3½	332	31 55/100	32	2 11¼	330	22 1/100	25	1 8¾	159	29 77/100	26	1 1½	197	34 31/100	23	1 10½	328 0	35 4/100

No. 13.—*continued.*

MACKEREL VOYAGES from 1854 to 1864, both inclusive.

Year.	Number Boats engaged.	Average Price per Hundred.	Average Amount earned per Boat.	Average Catch per Boat.	Year.	Number Boats engaged.	Average Price per Hundred.	Average Amount earned per Boat.	Average Catch per Boat.
		£ s. d.	£ s. d.	Hundreds.			£ s. d.	£ s. d.	Hundreds.
1854	20	0 18 9	173 0 0	184	1860	2	1 17 7	54 0 0	29
1855	6	0 18 9	155 0 0	165	1861	2	1 17 9	34 0 0	18
1856	18	1 4 0	71 0 0	59	1862	3	1 13 0	9 0 0	5½
1857	3	1 10 0	97 0 0	65	1863	2	1 5 0	17 10 0	14
1858	10	1 6 3	71 0 0	54	1864	3	1 10 0	31 13 0	20
1859	3	1 16 3	73 0 0	40					

No. 14.

GREAT EASTERN RAILWAY.

RETURN of the WEIGHT of SEA FISH carried from Stations on the GREAT EASTERN RAILWAY during the Years 1860–64.

STATION.	1860.	1861.	1862.	1863.	1864.
	Tons.	Tons.	Tons.	Tons.	Tons.
Yarmouth - - -	20,399	27,222	28,346	31,947	34,432
Lowestoft - - - -	13,030	12,436	11,728	15,685	17,340
Harwich* - - - -	1,507	1,830	1,690	2,071	1,931
Colchester† - - -	831	1,314	1,231	854	622
Wivenhoe - - - -	—	—	—	1,272	2,084
Totals - - -	35,767	42,802	42,995	51,829	56,409

* Principally cod. † A large portion of the oyster and other fish traffic from the Colchester Station has been diverted to Wivenhoe.

No. 15.

LONDON, TILBURY, AND SOUTHEND RAILWAY.

RETURN of the WEIGHT of SEA FISH consigned direct from Fishing Ports, and carried from Stations on this Railway, from 1st January 1855 to 31st December 1864.

DATE.	STATIONS.									TOTALS.			
	Benfleet.		Leigh.			Southend.							
	Smelts.	Total.	Oysters.	Winkles, Mussels, and Shrimps.	Total.	Oysters.	Winkles, Mussels, and Shrimps.	Total.		Smelts.	Oysters.	Winkles, &c.	Total.
	Tons Cwt.	Tons Cwt.	Tons Cwt.	Tons Cwt.	Tons Cwt.	Tons Cwt.	Tons Cwt.	Tons Cwt.		Tons Cwt.	Tons Cwt.	Tons Cwt.	Tons Cwt.
1855	—	—	467 3	29 13	496 16	—	—	—		—	467 3	29 13	496 16
1856	1 0	1 0	277 8	439 14	717 2	276 16	27 0	303 16		1 0	554 4	466 14	1,021 18
1857	1 17	1 17	305 6	436 16	742 2	395 10	29 2	424 12		1 17	700 16	465 18	1,168 11
1858	1 8	1 8	265 9	479 7	744 16	223 9	50 6	273 15		1 8	488 18	529 13	1,019 19
1859	0 18	0 18	384 8	372 1	756 9	238 12	46 16	285 8		0 18	623 0	418 17	1,042 15
1860	0 10	0 10	136 4	458 7	594 11	102 7	31 2	133 9		0 10	238 11	489 9	728 10
1861	1 4	1 4	111 17	479 16	591 13	194 0	20 14	214 14		1 4	305 17	500 10	807 11
1862	1 10	1 10	126 14	631 2	757 16	0 3	35 3	35 6		1 10	126 17	666 5	794 12
1863	1 4	1 4	123 1	164 1	887 2	15 12	40 0	55 12		1 4	138 13	804 1	943 18
1864	0 8	0 8	33 15	704 16	738 11	75 5	19 9	94 14		0 8	109 0	724 5	833 13
	9 19	9 19	2,231 5	4,795 13	7,026 18	1,521 14	299 12	1,821 6		9 19	3,752 19	5,095 5	8,858 3

No. 16.

London, Chatham, and Dover Railway.—1864.

Return of the Sea Fish of every Description, including Shell Fish and Prawns, conveyed by Goods and Passenger Trains, as under:—

Name of Station.	1858.	1859.	1860.	1861.	1862.	1863.	1864.	Total.
	Tons. cwt.	Tons. cwt.	Tons. cwt.	Tons. cwt.	Tons. cwt.	Tons. cwt.	Tons. cwt.	Tons. cwt.
Sittingbourne	182 8	167 7	76 13	97 8	122 2	178 18	200 7	1,025 3
Sheerness	—	—	—	—	3 3	36 11	8 18	48 12
Queenborough	—	—	168 7	450 5	423 19	407 12	322 2	1,772 5
Teynham	—	0 9	173 0	69 15	29 19	22 1	88 14	383 18
Whitstable	—	—	—	—	—	122 15	147 3	269 18
Herne Bay	—	—	—	—	0 14	0 2	3 14	4 10
Margate	—	—	—	—	—	2 8	27 16	30 4
Broadstairs	—	—	—	—	—	28 11	12 1	40 12
Ramsgate	—	—	—	—	—	72 13	585 13	658 6
Dover	—	—	—	—	7 9	7 7	7 8	22 4
Total	182 8	167 16	418 0	617 8	587 6	878 18	1,403 16	4,255 12

No. 17.

London, Brighton, and South Coast Railway.

Return showing the Weight of Fish carried from the under-mentioned Stations of the above Company to London, 1855 to 1864 inclusive.

Name of Station.	1855.	1856.	1857.	1858.	1859.	1860.	1861.	1862.	1863.	1864.
	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.
Brighton	Probably not more than 10 tons during the whole period.									
Kingston	595	193	347	295	346	546	941	802	612	900
Shoreham	—	—	—	—	—	—	—	—	3,066	3,018
Worthing	13	10	12	20	24	97	7	17	47	56
Bosham	*	*	1,306	995	490	444	335	161	273	248
Emsworth	*	*	351	471	537	441	439	263	343	408
Portsmouth	132	159	59	28	48	231	172	281	17	113
Newhaven	51	5	10	5	8	21	14	172	49	152
Eastbourne	55	83	68	95	71	79	57	42	87	59
St. Leonards	*	*	*	*	*	4	6	3	8	1
Totals	846	450	2,153	1,909	1,524	1,863	1,971	1,741	1,436	1,937

* No account.

No. 18.

South Devon Railway.

Fish Traffic, Ten Years ending 31st December 1864.

Names of Stations.	1854. Half-year ending 30th June.	1854. Half-year ending 31st December.	1855. Half-year ending 30th June.	1855. Half-year ending 31st December.	1856. Half-year ending 30th June.	1856. Half-year ending 31st December.	1857. Half-year ending 30th June.	1857. Half-year ending 31st December.	1858. Half-year ending 30th June.	1858. Half-year ending 31st December.	1859. Half-year ending 30th June.	1859. Half-year ending 31st December.
	Tons cwt. qrs. lbs.	Tons cwt. qrs. lbs.	Tons cwt. qrs. lbs.	Tons cwt. qrs. lbs.	Tons cwt. qrs. lbs.	Tons cwt. qrs. lbs.	Tons cwt. qrs. lbs.	Tons cwt. qrs. lbs.	Tons cwt. qrs. lbs.	Tons cwt. qrs. lbs.	Tons cwt. qrs. lbs.	Tons cwt. qrs. lbs.
Plymouth	—	—	—	—	—	—	—	—	—	—	656 18 3 22	436 7 2 7
Totnes	50 5 3 0	59 11 1 0	37 15 1 0	111 17 1 0	50 13 1 0	117 9 0 0	60 7 0 0	104 12 1 0	77 9 2 0	124 12 0 0	93 12 2 0	130 17 0 0
Torre	93 5 0 0	127 8 2 0	84 3 0 0	95 3 2 0	130 0 1 0	175 2 0 0	144 10 0 0	196 0 0 0	281 5 0 0	188 16 2 0	182 18 2 0	165 11 0 0
Torquay	—	—	—	—	—	—	—	—	—	—	—	18 0 0 0
Paignton	—	—	—	—	—	—	—	—	—	—	—	91 12 2 0
Brixham Road	—	—	—	—	—	—	—	—	—	—	—	—
Teignmouth	4 3 2 7	3 13 2 12	7 12 1 11	12 14 1 12	19 0 2	16 1 1 10	5 17 0 15	22 16 0 4	5 5 0 20	15 3 1 9	26 1 0 0	70 5 1 12
Dawlish	0 4 0 0	0 5 0 0	0 0 3 0	2 5 1 2	—	0 1 3 12	0 10 0 0	26 8 2 14	1 15 0 0	2 3 0 0	—	4 1 1 0
Starcross	311 5 0	290 13 0 0	120 2 0 0	106 6 0 0	111 9 0 0	640 7 0 0	203 17 0 0	208 17 0 0	145 15 0 0	815 10 0 0	205 5 0 0	250 0 0 0
Totals	459 3 1 7	481 11 1 12	249 13 1 11	328 6 1 14	303 1 2 2	949 1 0 22	505 1 0 15	558 13 3 18	511 9 2 20	1,146 4 3 9	1,224 15 3 22	1,166 14 2 18
	940 14 2 19		577 19 2 25		1,252 2 2 24		1,063 15 0 5		1,657 14 2 1		2,391 10 2 12	

(continued.)

Name of Station.	1860. Half-year ending 30th June.	1860. Half-year ending 31st December.	1861. Half-year ending 30th June.	1861. Half-year ending 31st December.	1862. Half-year ending 30th June.	1862. Half-year ending 31st December.	1863. Half Year ending 30th June.	1863. Half-year ending 31st December.	1864. Year ending 31st December.
	Tons cwt. qrs. lbs.	Tons cwt. qrs. lbs.	Tons cwt. qrs. lbs.	Tons cwt. qrs. lbs.	Tons cwt. qrs. lbs.	Tons cwt. qrs. lbs.	Tons. cwt. qrs. lbs.	Tons. cwt. qrs. lbs.	Tons. cwt. qrs. lbs.
Plymouth	487 19 1 15	994 6 0 4	529 19 3 21	1,141 5 2 17	810 12 2 14	1,902 18 0 26	748 5 0 10	1,159 8 1 20	1,692 15 3 1
Totnes	49 4 0 0	109 10 2 0	62 17 1 0	123 9 2 0	50 17 1 0	90 7 2 0	59 16 0 0	80 9 2 0	98 17 0 0
Torre	41 8 0 0	57 4 0 0	1 15 0 0	5 5 0 0	1 6 0 0	40 9 0 0	0 10 0 0	1 6 0 0	10 5 1 0
Torquay	8 0 0 0	240 0 0 0	8 0 0 0	81 0 0 0	7 0 0 0	287 0 0 0	6 0 0 0	105 0 0 0	103 16 3 0
Paignton	297 16 3 21	309 12 3 14	138 14 2 14	—	—	—	—	3 12 1 6	0 18 3 0
Brixham Road	—	—	153 0 0 0	359 0 0 0	299 12 2 0	408 0 0 0	331 0 0 0	381 13 1 0	722 5 3 0
Teignmouth	10 14 3 2	102 11 0 5	10 11 3 22	123 15 1 9	5 6 0 0	102 0 1 5	1 12 1 0	228 7 0 0	321 1 1 0
Dawlish	0 0 2 0	24 18 0 9	—	59 0 3 0	0 4 0 0	46 15 0 0	4 6 1 14	61 0 1 11	47 0 1 21
Starcross	141 18 0 0	301 7 0 0	124 18 0 0	34 19 0 0	6 1 0 0	14 9 0 0	5 10 0 0	6 5 0 0	33 0 1 0
Total	1,037 1 2 10	2,139 9 3 4	1,029 16 3 1	1,927 15 0 26	1,180 19 1 14	1,971 19 0 3	1,156 19 2 24	1,645 8 2 9	3,030 1 0 22
	2,176 11 0 14		2,957 11 3 27		3,152 18 1 17		2,802 8 1 5		

" Three-fifths of the above quantities may be considered as prime fish; two-fifths of them as coarse fish ("offal"); of which one-half would consist of herrings.

No. 19.

West Cornwall Railway.

Return of the Quantity of Fish forwarded from the under-mentioned Ports and Places in each of the Years ending 31st December, from 1861 to 1864 inclusive.

—	1861.	1862.	1863.	1864.	
	Tons.	Tons.	Tons.	Tons.	
Penzance* -	279	504	470	1,359	These quantities consist chiefly of mackerel.
Hayle† - -	141	784	237	936	
	420	1,288	707	2,295	

* Carted from the villages of Newlyn and Mousehole. † Carted from the town of St. Ives.

No. 20.

Estimate of Quantities and Value of Fish caught by Mount's Bay Fishing Boats (Newlyn, Mousehole, and Porthleven) in the Year 1864.

	£	£
Mackerel:—		
About 5,000,000 fish, (138 boats); weight 2,100 tons; value - - - -		27,600
Herrings:—		
(Caught on coast of Ireland); 160 boats earned about 100*l.* each; number of fish 8,000,000 - -	16,000	
(Caught off Plymouth) 200 boats; 30*l.* each; number of fish 3,000,000 -	6,000	22,000
[A larger quantity of herrings caught off Plymouth than ever before.]		
Pilchards:—		
7,000 hogsheads by drift-nets.		
1,000 „ by seines.		
Together 8,000 „ about 22,500,000 fish.		
Value *before cured* about 38*s.* per hhd. -		15,700
Hook Fish, about - - - -		6,000
		£71,300

Estimate of Quantities and Value of Fish caught by St. Ives Fishing Boats in the Year 1864.

	£
Mackerel:—	
About 3,580,000 fish; 70 or 80 boats; average price about 10*s.* per 100 - - -	17,900
Herrings:—	
(Caught off coast of Ireland); 80 boats at 60*l.*	4,800
Pilchards:—	
800 hogsheads by drift-nets 2,240,000 fish.	
11,500 „ by seine-nets 32,200,000 „	
12,300 „ 34,440,000 „	
Value *before cured* about 38*s.* per hhd. -	23,370
Hook Fish:—	
[Unusually small quantity, the men having been profitably employed on other fisheries]	550
	£46,620

No. 21.

Extract from Messrs. G. C. & R. W. Fox & Co.'s Pilchard Circular.

"Falmouth, 23d of 1st Month 1865.

"The sean fishery at many of the coves east of the Lizard has been a total failure this season, owing "to the prevalence of easterly winds when the fish were on this coast; but the fishermen in the North "Channel have been more successful."

Total Quantity of Pilchards exported during the years 1816 to 1839 inclusive.

	Hhds.			Hhds.
1816 - - -	20,000	(about)	1828 - - -	26,018
1817 - - -	26,000	„	1829 - - -	700
1818 - - -	1,700	„	1830 - - -	22,010
1819 - - -	2,900	„	1831 - - -	26,648
1820 - - -	800	„	1832 - - -	31,930
1821 - - -	2,000	„	1833 - - -	10,042
1822 - - -	9,123		1834 - - -	25,295
1823 - - -	24,109		1835 - - -	23,833
1824 - - -	7,611		1836 - - -	18,762
1825 - - -	12,651		1837 - - -	15,349
1826 - - -	10,670		1838 - - -	7,580
1827 - - -	5,238		1839 - - -	12,856

No. 21—*continued.*

DISTRIBUTION of PILCHARDS exported during the last 25 Years.

Year.	Genoa.	Leghorn.	Civita Vecchia.	Naples.	Adriatic.	Malta.	Total.	Price per Hogshead to Curers.
1840	600	2,819	1,028	8,991	9,934	—	23,372	50*s.* to 78*s.*
1841	420	2,797	—	3,625½	2,762½	—	9,604½	46*s.* „ 50*s.*
1842	678	3,072	921	7,017	8,536	511	20,735½	37*s.* „ 40*s.*
1843	607½	2,520	865	625½	4,241½	—	8,859	43*s.* „ 50*s.* 6*d.*
1844	862	3,208	998	3,446	5,462	—	13,976½	45*s.* „ 55*s.*
1845	2,201	5,196½	800	12,637	9,183	—	30,807½	40*s.* „ 54*s.* 6*d.*
1846	3,735	7,200	1,370	14,109	7,723	—	34,137	30*s.* „ 38*s.*
1847	3,390	7,728	2,506	17,222	10,777	—	41,623	30*s.* „ 36*s.* 6*d.*
1848	2,239	1,053	425	2,904	970	—	7,591	36*s.* „ 63*s.*
1849	2,118	4,605	750	10,455	7,660	—	25,588	42*s.* „ 55*s.*
1850	1,514	4,456	1,102	10,021	8,437	—	25,530	44*s.* „ 60*s.* 6*d.*
1851	2,594	4,673	1,352	8,965	9,152½	—	26,736½	43*s.* 6*d.* „ 48*s.* 6*d.*
1852	1,523	5,009	450	4,177	3,714½	—	15,233½	30*s.* „ 44*s.* 6*d.*
1853	2,229	5,110	1,237	5,657	7,043	—	21,276	35*s.* „ 42*s.*
1854	1,165	2,053	460	1,738	1,429	—	6,845	37*s.* „ 55*s.*
1855	1,987½	2,225½	—	881½	1,008½	—	6,103	42*s.* „ 75*s.*
1856	1,851	4,656½	1,718	5,238½	5,369	—	18,833	38*s.* „ 51*s.*
1857	1,965	3,565	1,020	4,574	4,617	—	15,921	40*s.* „ 46*s.* 6*d.*
1858	1,881	4,129	791	6,686	4,992	—	18,479	45*s.* „ 60*s.*
1859	1,558	—	632	613	544	—	3,631½	52*s.* 6*d.* „ 73*s.* 6*d.*
1860	1,111½	569	534	1,801	966	—	4,981½	53*s.* „ 80*s.*
1861	2,421	1,823½	—	1,441½	2,185½	—	11,078½	63*s.* 6*d.* „ 72*s.* 6*d.*
1862	4,337½	3,872	771	6,226½	2,042½	—	17,854½	50*s.* „ 63*s.*
1863	4,533	4,474	1,479	13,512	1,679½	—	25,677½	40*s.* „ 55*s.*
1864	3,064	5,723	963	9,521½	3,168	—	22,439½	46*s.* „ 57*s.*

No. 22.

STATISTICS of the CATCH of PILCHARDS by separate Seans at MEVAGISSEY.—Furnished by Mr. John S. Jago of Corran, Mevagissey.

Date.	Total hhds.	Years.	Average.	Date.	Total hhds.	Years.	Average.
1755 to 1759	2,368	5	473	1797 to 1803	1,352	7	193
1760 to 1766	2,746	7	392	„ „ „	1,047	7	144
„ „ „	2,872	7	410	1804 to 1806	558	3	189
1767 to 1774	1,484	7	210	1804 to 1810	1,960	6	326
„ „ „	1,608	7	229	„ „ „	2,021	7	289
1775 to 1781	1,794	7	256	1811 to 1818	1,902	7	271
„ „ „	1,774	7	253	„ „ „	2,335	8	292
1782 to 1789	391	8	56	1819 to 1825	126	7	18*
„ „ „	472	8	59	„ „ „	489	7	69
„ „ „	686	8	86	1826 to 1832	895	7	128
„ „ „	324	8	64	„ „ „	777	7	111
„ „ „	568	8	71	„ „ „	798	7	114
1790 to 1796	2,185	7	312	1833 to 1839	849	7	121
„ „ „	2,116	7	302	„ „ „	710	7	107
„ „ „	2,850	7	407	„ „ „	965	7	138
„ „ „	3,395	7	485	1840 to 1846	714	7	102
1790 to 1793	1,639	4	409	„ „ „	574	7	82
1794 to 1796	1,081	3	360	„ „ „	429	7	61
1797 to 1803	670	7	96	1847 to 1853	1,769	7	252
„ „ „	1,145	7	163	„ „ „	1,343	7	192
„ „ „	1,193	7	170	1854 to 1860	249	7	35

* Drift Fishery begins.
For the 63 years before 1818 these accounts show that a sean took on an average upwards of 200 hhds. per annum.
For the 46 years since the Drift Fishery commenced a sean has only taken on an average 112 hhds. per annum.

TAKE of PILCHARDS in the Years 1857–63, arranged according to Districts.

YEAR.	East of Lizard.	Mounts Bay.	St. Ives.	North of St. Ives.	Total.
	Hhds.	Hhds.	Hhds.	Hhds.	Hhds.
1857	3,026	3,768	7,641	1,463	15,898
1858	728	3,423	13,391	937	18,479
1859	852½	1,660½	632	—	3,145
1860	419½	1,014½	2,486½	—	3,920½
1861	705½	1,314½	8,968½	—	10,988½
1862	6,109½	3,316	8,358	24	17,807½
1863	8,160	3,887	7,610	6,400	26,057
	20,001	18,383½	49,087	8,824	96,295½

No. 23.

Midland Railway.

Return of Fish forwarded from Ports on the Midland Railway from 1853 to 1864 inclusive.

Stations.	1853.			1854.			1855.			1856.			1857.			1858.		
	Herrings.	Shell Fish.	Other Fish.	Herrings.	Shell Fish.	Other Fish.	Herrings.	Shell Fish.	Other Fish.	Herrings.	Shell Fish.	Other Fish.	Herrings.	Shell Fish.	Other Fish.	Herrings.	Shell Fish.	Other Fish.
	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Cwts. qrs. lbs.	Tons.	Tons.	Tons. cwts. qrs. lbs.	Tons.	Tons.	Cwts. qrs. lbs.
Morecambe*	—	—	—	—	528	39	—	1,529	12	—	1,322	—	6	1,102	90 0 0 0	95	992	—
Lancaster†	—	101	—	—	56	—	—	49	—	—	45	—	—	44	—	—	69	—
Gloucester†	—	554	—	—	412	—	—	508	—	—	155	1 1 14	—	103	0 14 3 16	—	96	12 3 7
Bristol†	36	73	—	56	59	—	128	48	—	91	99	—	91	91	—	62	45	—
	Tons cwts.			Tons cwts.			Tons cwts.			Tons cwts.			Tons cwts.			Tons cwts.		
Bristol‡	190 14			114 2			101 1			97 10			122 11			144 2		

(*continued*)

Stations.	1859.			1860.			1861.			1862.			1863.			1864.		
	Herrings.	Shell Fish.	Other Fish.	Herrings.	Shell Fish.	Other Fish.	Herrings.	Shell Fish.	Other Fish.	Herrings.	Shell Fish.	Other Fish.	Herrings.	Shell Fish.	Other Fish.	Herrings.	Shell Fish.	Other Fish.
	Tons.	Tons.	Cwts.	Tons.	Tons.	Cwts.	Tons.	Tons.	Cwts. qrs. lbs.	Tons.	Tons.	Tons.	Tons.	Tons.	Cwts. qrs. lbs.	Tons.	Tons.	Tons. cwts. qrs. lbs.
Morecambe*	252	573	—	126	688	—	—	576	—	—	1,993	—	—	1,764	—	—	1,506	25 0 0 0
Lancaster†	—	104	—	—	142	—	—	140	—	—	132	—	—	192	—	—	272	—
Gloucester†	—	75	6	—	59	5	—	91	6 3 12	—	120	—	—	51	2 1 13	3	16	0 5 2 12
Bristol†	68	143	—	62	57	—	88	73	—	96	86	—	142	51	—	28	143	9 0 0 0
	Tons cwts.			Tons cwts.			Tons cwts.			Tons cwts.			Tons cwts.			Tons cwts.		
Bristol‡	36 14			44 0			39 2			55 0			74 0			54 0		

* Per goods and passenger trains. † Per goods trains only. ‡ Per passenger trains only.

No. 24.

Chester and Holyhead Railway.

Return of the Weight of Sea Fish carried during the Years 1855—1864.

Name of Station.	1855.	1856.	1857.	1858.	1859.	1860.	1861.	1862.	1863.	1864.
	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.
Carnarvon	—	—	—	—	—	—	—	50	150	150
Holyhead	—	—	—	—	24	—	—	½	21	3
Dublin (North Wall) landed at Holyhead	150	200	200	120	130	120	150	750	1,200	1,700

This Return is as near as can be given, and does not include oysters.

No. 25.

Lessees of the Preston and Wyre Railway.

Return of the Quantities of Sea Fish carried during the Years 1858–64.

—	1858.	1859.	1860.	1861.	1862.	1863.	1864.
	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.
Fleetwood	—	—	—	—	604*	837	983
Blackpool	66	12	6	47	16	5	14
Lytham	—	68	24	78	50	44	6†

* For seven months only.
† The mussel beds at Lytham were much injured in 1864 by persons dredging for cobble stones.

No. 26.

The Amount of Tolls levied in Billingsgate Market under "The Billingsgate Market Act, 9th and 10th Victoria, 1846," from 1854 to 1863, inclusive.

	1854.		1855.		1856.		1857.		1858.	
	No.	£ s. d.	No.	£ s. d.	No.	£ s. d.	No.	£ s. d.	No.	£ s. d.
Peter boats with river fish, at 6d.	912	22 16 0	752	18 16 0	930	23 5 0	854	21 7 0	818	20 9 0
Small boats, wherries, or skiffs, at 1s.	2,387	119 7 0	1,942	97 2 0	2,087	104 7 0	1,747	87 7 0	1,687	84 7 0
Hatch boats, at 1s. 6d.	635	47 12 6	505	37 17 6	624	46 16 0	305	22 17 6	226	16 19 0
Great boats, smacks, or vessels laden with lobsters, mackerel, fresh herrings, sprats, or plaice, at 2s. 6d.	137	17 2 6	69	8 12 6	287	35 17 6	635	79 7 6	658	82 5 0
Great boats, smacks, or vessels, lighters, barges, or other craft laden with salmon or barrels of red and white herrings, codfish, haddocks, or any other fish not otherwise enumerated, at 5s.	135	33 15 0	95	23 15 0	109	27 5 0	65	16 5 0	122	30 10 0
Lug boats, barges, smacks, or vessels not more than half laden, at 2s. 6d.	827	103 7 6	878	109 15 0	552	69 0 0	233	29 2 6	239	29 17 6
Carts, machines, vans, waggons, or any other description of conveyance with fish, viz., with not more than two horses, at 1s.	8,514	425 14 0	7,959	397 19 0	7,657	382 17 0	10,019	500 19 0	7,050	352 10 0
Ditto, with more than two horses, at 1s. 6d.	1,714	128 11 0	3,155	236 12 6	2,664	199 16 0	1,718	128 17 0	708	53 2 0
Oyster metage, per bushel, at ½d.	66,854	139 5 7	63,348	131 19 6	52,742	109 17 7	64,442	134 5 1	102,956	214 9 10
Totals	£	1,037 11 1		1,062 9 0		999 1 1		1,020 7 7		884 9 4

(continued.)

	1859.		1860.		1861.		1862.		1863.	
	No.	£ s. d.	No.	£ s. d.	No.	£ s. d.	No.	£ s. d.	No.	£ s. d.
Peter boats with river fish, at 6d.	715	17 17 6	507	12 13 6	339	9 16 6	507	12 13 6	590	14 15 0
Small boats, wherries, or skiffs, at 1s.	1,781	89 1 0	1,591	69 11 0	1,255	62 15 0	1,505	75 5 0	1,613	80 13 0
Hatch boats, at 1s. 6d.	199	14 18 6	235	17 12 6	115	8 12 6	131	9 16 6	97	7 5 6
Great boats, smacks, or vessels laden with lobsters, mackerel, fresh herrings, sprats, or plaice, at 2s. 6d.	515	64 7 6	571	71 7 6	539	67 7 6	520	65 0 0	490	61 5 0
Great boats, smacks, or vessels, lighters, barges, or other craft laden with salmon or barrels of red and white herrings, codfish, haddocks, or any other fish not otherwise enumerated, at 5s.	135	33 15 0	141	35 5 0	166	41 10 0	196	49 0 0	144	36 0 0
Lug boats, barges, smacks, or vessels not more than half laden, at 2s. 6d.	276	34 10 0	279	34 17 6	274	34 5 0	297	37 2 6	289	33 12 6
Carts, machines, vans, waggons, or any other description of conveyance with fish, viz., with not more than two horses, at 1s.	14,403	720 3 0	10,463	523 3 0	11,192	559 12 0	11,473	573 13 0	12,316	615 16 0
Ditto, with more than two horses, at 1s. 6d.	471	35 6 6	632	47 8 0	1,040	78 0 0	965	72 7 6	1,001	75 1 6
Oyster metage, per bushel, at ½d.	88,732	184 13 0	68,862	143 9 3	67,831	141 6 3½	102,561	213 13 4½	90,426	188 7 9
Totals	£	1,194 12 0		955 7 3		1,003 4 9½		1,108 11 4½		1,112 16 3

No. 27.

The Total Quantity of Winkles, Whelks, Mussels, and Shrimps brought to London Market.
(Return furnished by Messrs. Baxter & Son.)

During the last twelve months*

Winkles, about - - - - - 40,000 bushels.
Whelks „ - - - - - 37,000 „
Mussels „ - - - - - 20,000 sacks, each sack weighing on an average 200lbs.
Dutch shrimps - - - - - 12,000 baskets, holding 1½ bushels, or 12 gallons each.
English shrimps, about - - - 144,000 gallons, or 18,000 bushels, which come chiefly from Leigh, in Essex.

Twenty years ago during twelve months

Winkles, about - - - - - - 6,000 bushels,
Whelks - - - - - - - 7,000 do.
Mussels - - - - - - - 6,000 sacks.
Dutch shrimps - - - - - none.
English shrimps, about - - - - 72,000 gallons.

* From Nov. 20th, 1862, to Nov. 20th, 1863.

No. 28.

Whitstable Oyster Fishery.

Year.	Quantity of Brood obtained from the Flats.	Total Cost.	Average Cost per Wash.	Quantity of Brood obtained from Essex.	Total Cost.	Average Cost per Wash.	Grand Totals. Quantities of Brood from Flats and Essex.	Grand Totals. Total Cost.
	Wash.	£ s. d.	s. d.	Wash.	£ s. d.	s. d.	Wash.	£ s. d.
From July 1852 to July 1853	- -	- - -	- -	- -	- - -	- -	63,853¾	15,240 0 5
1853–4	- -	- - -	- -	- -	- - -	- -	55,907	16,200 4 0
1854–5	3,018	905 8 1	6 0	41,083½	15,064 0 2	7 4	44,101½	15,969 8 3
1855–6	- -	- - -	- -	- -	- - -	- -	30,004	10,322 8 11
1856–7	11,040	3,000 3 10	5 6	29,664	8,250 1 8	5 6	40,704	11,250 5 6
1857–8	36,070	6,914 13 7	3 10	41,774	14,142 10 8	6 9	77,844	21,057 4 3
1858–9	49,319	8,574 17 7½	- -	85,559½	20,136 2 7	- -	134,878½	28,711 0 2½
1859–60	48,058	8,319 7 9	- -	35,423	11,519 13 4	- -	83,481	19,839 1 1
1860–1	11,851	2,761 4 11	- -	37,858½	13,271 19 6	- -	49,709½	16,033 4 5
1861–2	5,134	1,520 15 7	- -	79,803	35,192 6 1	- -	84,937	36,713 1 8
1862–3	2,419	828 17 11	- -	20,080½	12,560 11 11½	- -	22,499½	13,389 9 10½
1863–4	2,398	Prices varying from 9s. to 16s.		12,836	Prices varying from 13s. 8d. to 16s.		15,234	14,553 19 2
1864 to March 1865	914	483 3 7	0 11	1,769½	1,462 5 3	17 0	2,683½	1,945 8 10
Do.	- -	- - -	- -	2,500	2,625 0 0	21 0	2,500	2,625 0 0

No. 28—*continued.*

WHITSTABLE OYSTER COMPANY.

Year.	Quantity of Oysters obtained from Ireland.	Quantity of Oysters from Scotland.	Quantity of Oysters from Falmouth, Jersey, Channel, and Hamble.	Total cost of the same.	Value of Natives and Commons sold in London and Home Markets from August to May in each Year.	Value of Natives sold in Foreign Markets.	Price paid for Labour from August each Year to May in the next Year.	Total Expenses for each Year, from August in each Year to May in the next Year.
	Barrels.	Barrels.	Tubs.	£ s. d.	£ s. d.	£ s. d.		£ s. d.	£ s. d.
1852	None.	None.	11,645½				1852–3	16,793 9 9	48,484 11 1
1853	Do.	Do.	9,809	2,254 9 8	47,413 19 1	2,258 14 11	1853–4	17,822 5 2	45,427 1 5½
1854	Do.	Do.	- -	2,115 7 7	31,700 16 8	- - -	1854–5	14,154 15 0	45,994 1 11
1855	Do.	Do.	- -	- - -	31,449 12 10	- - -	1855–6	14,166 11 6	36,715 9 3½
1856	Do.	Do.	- -	- - -	28,995 19 7	- - -	1856–7	14,131 8 8	42,335 13 4
1857	Do.	Do.	- -	2,261 19 10½	30,986 7 7	- - -	1857–8	19,415 6 11	58,887 2 11½
1858	Do.	Do.	- -	3,803 8 10½	11,484 6 10½	985 10 0	1858–9	20,445 13 9½	65,948 10 9½
1859	Do.	Do.	- -	3,543 17 4	51,588 2 7½	6,385 3 3	1859–60	20,531 18 6	64,286 12 7½
1860	Do.	Do.	- -	1,586 11 2½	45,173 6 8½	4,441 15 0	1860–1	16,713 4 4	45,745 1 6
1861	Do.	Do.	- -	2,135 3 11	22,117 1 10	11,429 3 6	1861–2	27,641 18 9	74,354 18 1
1862	Do.	Do.	- -	5,473 6 7	58,911 12 7½	15,216 0 0	1862–3	43,731 14 4	97,794 2 1
1863	Do.	Do.	- -	9,442 10 8	74,778 19 3½	25,556 19 10	1863–4	46,609 10 8½	79,860 0 7½
1864	2,654	2,858	1,183	4,917 7 8½	56,217 3 5	19,660 2 0			
1865	1,933	1,009	- -	1,422 12 0	Returns for this year not yet sent in.				

The above Returns show:—

1. The amount received by the Company for natives and commons included.
2. An account of the natives sold in the foreign markets.
3. The amount paid for labour on the ground.
4. The total expenses of the Company during each year.

A tub of oysters is about 26 gals. A barrel do. is about 28 do.

PRICES of NATIVE OYSTERS (WHITSTABLE) from the Year 1825 to 1865.

	Average price per Bushel for the Year.				Average price per Bushel for the Year.	
	£ s. d.				£ s. d.	
From August 1825 to May 1826	0 19 0	1845–6	2 18 0
1826–7	1 0 0	1846–7	2 7 0
1827–8	1 8 0	1847–8	2 1 0
1828–9	1 16 0	1848–9	2 1 0
1829–30	1 13 0	1849–50	2 0 0
1830–1	1 10 0	1850–1	1 11 0
1831–2	1 11 0	1851–2	1 16 0
1832–3	1 10 0	1852–3	2 2 0
1833–4	1 16 0	1853–4	2 7 0
1834–5	1 19 0	1854–5	2 9 0
1835–6	1 12 0	1855–6	2 1 0
1836–7	1 13 0	1856–7	1 18 0
1837–8	1 12 0	1857–8	2 2 0
1838–9	1 12 0	1858–9	2 2 0
1839–40	1 17 0	1859–60	2 2 0
1840–1	2 2 0	1860–1	2 2 0
1841–2	2 0 0	1861–2	2 2 0
1842–3	2 10 0	1862–3	2 8 0
1843–4	2 18 0	1863–4	3 8 0
1844–5	3 0 0	1864–5 Prices varied from 80*s.* to 90*s.*	

No. 29.

FAVERSHAM OYSTER COMPANY.

OYSTERS sold.

Year.	Quantity.	Average price.
		£ s. d.
1841	4,100	1 18 0
1842	2,500	2 1 0
1843	1,500	2 3 0
1844	1,400	2 8 0
1845	2,800	2 10 0
1846	4,400	2 1 0
1847	2,400	1 16 0
1848	2,300	1 14 0
1849	4,600	1 2 6
1850	8,270	1 3 6
1851	15,770	1 2 6
1852	10,660	1 12 0
1853	3,700	1 18 0
1854	2,220	2 2 0
1855	1,500	2 1 0
1856	2,230	2 0 0
1857	4,170	1 18 0
1858	1,930	1 14 0
1859	2,660	1 14 0
1860	5,730	1 17 6
1861	2,460	1 14 0
1862	5,920	1 16 0
1863	9,780	2 0 0
1864	4,760	3 0 0

BROOD laid from the FLATS, and COST.

Year.	Wash.	Cost.
		£ s. d.
1841	1,008	305 16 6
1842	3,572	892 19 4
1843	2,650	972 5 7
1844	2,594	849 14 6
1845	2,171	851 5 8
1846	2,967	1,010 14 6
1847	47	16 9 8
1848	203	45 17 2
1849	—	—
1850	—	—
1851	1,410	325 3 8
1852	2,561	601 10 0
1853	3,367	773 7 3
1854	2,881	739 13 9
1855	1,067	284 4 0
1856	2,450	736 8 0
1857	3,065	891 15 6
1858	7,083	1,698 1 6
1859	5,640	1,055 0 10
1860	4,107	806 16 11
1861	None purchased.	—
1862	22	6 13 3
1863	730	259 9 6
1864	About 2,000	—

IRELAND.

No. 30.

RETURN of the QUANTITY of SEA FISH conveyed by the MIDLAND GREAT WESTERN RAILWAY of IRELAND during the Years 1854–1864.

	1854.	1855.	1856.	1857.	1858.	1859.	1860.	1861.	1862.	1863.	1864.
	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.
Turbot, herrings, &c.	491*	381*	556*	526*	356*	446	392	478	196	472	86
Lobsters	101	94	121	129	111	80	111	60	68	70	—†
Oysters	161	166	206	188	221	258	315	205	422	535	252
Winkles	—	—	—	—	—	—	—	—	—	50	218

* A small quantity of salmon is included in these returns. † No return given.

No. 31.

RETURN of the QUANTITY of SEA FISH conveyed by the GREAT SOUTHERN AND WESTERN RAILWAY (IRELAND) during the Years 1854–1864.

1854.	1855.	1856.	1857.	1858.	1859.	1860.	1861.	1862.	1863.	1864.
Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.
280	311	537	202	477	599	563	606	898	892	1,330

NOTE.—A very large proportion of this fish consisted of herrings, and 701 tons of mackerel are included in the return for 1864.

No. 32.

ABSTRACT of the WEEKLY RETURNS of HERRING FISHERY at HOWTH between the 1st June 1863 and 2nd January 1864.

Date. Week ending—	Average daily Number of Boats employed.				Number of Mease.	Average Price per Mease of 600 Fish.	Gross Value.	Number of Days employed.
	Cornish.	Scotch.	Manx.	Irish.				
1863.						£ s. d.	£ s. d.	
June 6	6	4	6	28	852	1 7 5	1,168 19 0	5 days.
„ 13	14	5	8	38	912	1 5 7	1,166 12 0	5 „
„ 20	59	12	11	40	2,965	1 5 6	3,780 7 6	5 „
„ 27	138	24	13	49	3,375	1 9 2½	4,935 18 9	5 „
July 4	200	43	14	50	2,060	1 7 8	2,849 13 4	3 „
„ 11	205	48	14	57	8,874	1 5 8	11,241 13 4	5 „
„ 18	205	50	14	62	1,841	1 9 8	2,730 16 4	5 „
„ 25	205	58	14	65	2,515	1 2 10½	2,876 3 7½	4 „
August 1	205	60	10	65	3,657	1 5 4	4,362 4 3	5 „
„ 8	190	60	10	70	3,795	1 0 6	4,899 17 6	5 „
„ 15	160	55	5	60	2,200	0 19 0	2,090 0 0	3 „
„ 22	60	55	5	66	1,824	1 2 7	2,059 12 0	5 „
„ 29	136	60	5	90	2,740	0 16 6	2,255 10 0	5 „
September 5	4	50	5	60	1,757	1 1 4½	1,877 18 3¾	5 „
„ 12	—	30	5	45	698	1 4 4½	850 13 6¾	4 „
„ 19	—	17	2	30	710	1 6 9½	951 2 1	5 „
„ 26	—	10	2	30	515	1 4 4	614 8 4	3 „
October 3	—	3	2	30	10	1 5 0	12 10 0	1 „
„ 10	—	2	2	20	120	1 0 0	120 0 0	1 „
„ 17	—	2	2	20	—	—	—	Gales.
„ 24	—	2	50	55	726	0 16 7½	603 9 9	4 days.
„ 31	2	2	50	55	940	0 14 2	665 16 8	3 „
November 7	2	2	38	42	170	1 2 0	187 0 0	3 „
„ 14	2	—	55	30	3,200	0 12 4½	1,980 0 0	5 „
„ 21	2	—	50	28	85	0 17 6	74 7 6	2 „
December 5	—	—	5	10	130	0 13 9	89 7 6	2 „
„ 12	—	—	3	20	35	1 4 4	42 11 8	3 „
„ 19	—	—	—	11	217	0 17 0	184 9 0	4 „
„ 26	—	—	—	13	135	0 17 0	114 15 0	3 „
1864.								
January 2	—	—	—	3	11	1 0 0	11 0 0	2 „
Gross Totals	1,795	654	400	1,242	47,069	31 14 1½	55,070 17 0	110 days.
Averages	60	22	13	41	—	1 1 1½	—	—

No. 32—*continued.*

ABSTRACT of the WEEKLY RETURNS of HERRING FISHERY at HOWTH between the 28th May 1864, and 10th December 1864.

Date. Week ending—	Average daily Number of Boats employed.				Number of Mease of 600 Fish each.	Average Price per Mease of 600 Fish.	Gross Receipts.	Number of Days employed.	Observations.
	Cornish.	Scotch.	Manx.	Irish.					
1864.						£ s. d.	£ s. d.		
May 28	–	–	–	–	162	1 15 0½	283 15 0	3 days	Fish in prime condition. Number of boats not known.
June 4	–	31	6	55	1,060	1 12 8¾	1,735 12 6	5 „	Fish in prime condition.
„ 11	1	31	7	58	1,970	1 12 5¼	3,194 10 0	5 „	Fish very fine.
„ 18	1	40	10	58	2,550	1 13 1½	4,224 10 0	5 „	In prime order. Ten boats caught 400 mease.
„ 25	16	34	6	69	7,250	0 19 0½	6,891 5 0	5 „	Prime, and very large.
July 2	82	42	10	68	6,510	1 7 5	8,951 0 0	5 „	Some small; some very fine.
„ 9	200	80	10	90	14,200	1 1 9⅓	15,470 0 0	5 „	Fish very large.
„ 16	200	80	16	90	2,850	1 5 1¼	3,577 10 0	5 „	Fish very fine.
„ 23	200	58	10	90	9,060	0 19 6½	8,856 0 0	5 „	Greater portion very large; about 200 mease very small and soft.
„ 30	134	64	11	72	3,040	1 0 9¼	3,157 15 0	5 „	Fish very fine and large.
August 6	146	80	14	90	2,200	0 18 1¼	1,997 0 0	5 „	Great many small fish.
„ 13	25	80	–	97	810	1 2 0¾	894 0 0	4 „	Fish very fine.
„ 20	5	90	–	100	1,540	1 6 7	2,047 10 0	5 „	Fish very fine. Cornish boats left on the 18th.
„ 27	–	70	–	80	1,230	1 4 0	1,476 15 0	5 „	Fish very fine.
September 3	–	15	–	32	190	1 12 0	304 0 0	2 „	Fish small.
„ 10	–	15	–	30	160	1 12 0	256 0 0	1 „	Fish small.
„ 17	–	23	–	50	2,720	0 15 7	2,120 0 0	5 „	Some small; some very good.
„ 24	–	10	–	40	4	1 7 0	5 8 0	2 „	One Scotch boat caught four mease; the rest none.
October 1	–	8	–	40	162	1 5 6¾	206 10 0	4 „	Fish very good.
„ 8	–	15	–	40	708	1 1 3⅓	754 4 0	2 „	Fish very fine.
„ 15	–	30	70	86	24,100	0 9 5⅓	11,390 0 0	5 „	Fish very large for the season.
„ 22	–	30	100	90	9,100	0 12 7¾	5,752 10 0	3 „	Fish very fine.
„ 29	–	–	–	–	–	– – –	– –	–	No fishing in consequence of heavy gales.
November 5	–	30	100	60	11,950	0 7 7½	4,561 10 0	5 „	Fish very large and fine.
„ 12	–	20	80	32	13,250	0 8 5¼	5,590 0 0	5 „	Fish not so good. On the 9th one Manx boat caught 167 mease, and another 200 mease — the two largest shots known at Howth. Several Manx boats left, their nets having been broken.
„ 19	–	10	50	33	810	0 13 0	526 10 0	3 „	Fish very small.
„ 26	–	8	7	10	30	1 3 0	34 10 0	3 „	Fish small and scarce. Manx boats all left.
December 3	–	3	–	2	7	1 0 0	7 0 0	1 „	Fish very small.
„ 10	–	7	–	1	11	0 16 8¾	9 4 0	2 „	Fish very inferior, and fishing for herrings ceased on the 7th December 1864.
Totals	1,010	1,004	507	1,563	117,636	—	94,274 8 6	110 days	
Average numbers and amounts per day, for the 110 working days.	45	42	20	62	1,069	0 16 0	857 0 9¾		

NOTE 1. Wherever the number of working days is less than five the fishing was prevented by stress of weather.
„ 2. The quantity of fish given is that actually brought into Howth Harbour from the fishing ground; but occasionally a number of the boats ran into other harbours and disposed of the fish there.

No. 33.

RETURNS of the JERSEY OYSTER FISHERY during the Years 1855–1864.—Furnished by Captain John Amy, of Gorey, Inspector of Jersey Oyster Fishery.

	Smacks and boats.	Men.	Tons.	Number of tubs of oysters caught.	Average price per tub.	Amount.
From September 1st, 1855, to April 30th, 1856.						
Number of English dredging boats	99	577	1,686		s. d.	£ s. d.
" " " smacks employed carrying	35	166	1,385			
Number of Jersey dredging boats	86	457	1,499	179,194	3 10	34,345 10 4
" " " open dredging boats	22	44	51			
" " " smacks employed carrying	14	57	453			
Totals	256	1,301	5,074	179,194		34,345 10 4
Freightage to vessels carrying oysters from Jersey to England, at 10*d.* per tub						7,003 18 4
						£41,349 8 8
From September 1st, 1856, to April 30th, 1857.						
Number of English dredging boats	97	597	1,554		s. d.	£ s. d.
" " " smacks employed carrying	28	122	1,070			
Number of Jersey dredging boats	94	526	1,675	179,690	4 1¾	37,248 5 0
" " " open dredging boats	25	56	50			
" " " smacks employed carrying	17	68	546			
Totals	261	1,364	4,865	179,690		37,248 5 0
Freightage to vessels for carrying 163,690 tubs of oysters to England, at 10*d.* per tub						7,161 8 9
						£44,409 13 9
From September 1st, 1857, to April 30th, 1858.						
Number of English dredging boats	68	396	1,084		s. d.	£ s. d.
" " " smacks employed carrying	24	114	1,104			
Number of Jersey dredging boats	97	598	1,770			
" " " open dredging boats	20	40	50	150,990	3 11¼	29,726 3 6
" " " smacks employed carrying	15	62	531			
" " French smacks " "	2	11	56			
Totals	226	1,221	4,595	150,990		29,726 3 6
Freightage to vessels for carrying 129,490 tubs of oysters to England, at 10*d.* per tub						5,665 3 9
						£35,391 7 3
From September 1st, 1858, to April 30th, 1859.						
Number of English dredging boats	54	317	814		s. d.	£ s. d.
" " Jersey " "	92	545	1,691			
" " " open dredging boats	14	35	38	120,610	4 3¼	25,755 5 2½
Number of English smacks employed carrying	18	82	778			
" of Jersey " "	11	50	378			
	189	1,029	3,699			
Freightage to vessels for carrying 98,814 tubs oysters from Jersey to England, at 10*d.* per tub						4,322 18 9
						£30,078 3 11½
From September 1st, 1859, to April 30th, 1860.						
Number of English dredging boats	27	154	407		s. d.	£ s. d.
" Jersey " "	99	588	1,848			
" " open dredging boats	14	38	35	98,110	4 10	23,733 11 2
Number of English smacks employed carrying	13	60	570			
" Jersey " " "	12	48	370			
	165	888	3,230			
Freightage to vessels for carrying 86,610 tubs oysters from Jersey to England, at 10*d.* per tub						3,789 3 9
						£27,522 14 11

No. 33.—RETURNS of the JERSEY OYSTER FISHERY during the Years 1855–1864—*continued.*

	Smacks and boats.	Men.	Tons.	Number of tubs of oysters caught.	Average price per tub.	Amount.
From September 1st, 1860, to April 30th, 1861.						
Number of English dredging boats	18	102	256		*s.* *d.*	£ *s.* *d.*
„ Jersey „ „	86	518	1,580			
„ „ open dredging boats	17	43	60	76,380	4 $9\frac{3}{4}$	18,371 5 0
Number of English smacks employed carrying	10	48	429			
„ Jersey „ „ „	10	40	318			
	141	751	2,643			
Freightage to vessels for carrying 64,270 tubs oysters from Jersey to England, at 11*d.* per tub						2,945 14 2
						£21,316 19 2
From September 1st, 1861, to April 30th, 1862.						
Number of Jersey dredging cutters	25	150	450		*s.* *d.*	£ *s.* *d.*
„ „ open dredging boats	14	35	42	18,220	4 $9\frac{3}{4}$	4,383 14 0
Number of smacks employed carrying	3	14	129			
	42	199	621			
Freight of 10,920 tubs of oysters exported to England, average freight per tub, 10*d.*						477 15 0
						£4,861 9 0
NOTE.—About 3,500 tubs of the above were dredged in the British Channel and brought to Jersey by cutters dredging in the Channel. No English cutters came this season to dredge on our grounds.						
From September 1st, 1862, to April 30th, 1863.						
Number of Jersey dredging cutters	8	45	112		*s.* *d.*	£ *s.* *d.*
„ Colchester „ „	14	84	162			
„ Jersey open dredging boats	21	42	50	9,841	6 $1\frac{1}{2}$	3,013 16 $1\frac{1}{2}$
„ smacks employed carrying	3	13	108			
	46	184	432			
Freight of 3,120 tubs of oysters exported to England, average freight per tub, 12*d.*						156 0 0
						£3,169 16 $1\frac{1}{2}$
NOTE.—About 2,350 tubs of the above were dredged in the British Channel.						
From September 1st, 1863, to April 30th, 1864.						
Number of Jersey dredging cutters	8	48	120		*s.* *d.*	£ *s.* *d.*
„ „ open dredging boats	15	45	35	6,196	6 $3\frac{3}{4}$	1,955 12 0

NOTE.—About 3,280 tubs of the above were dredged in the British Channel and brought to Jersey by cutters working in the Channel.
The oysters brought to Jersey from the Channel were for the manufactory established at Gorey for preserving oysters.

No. 34.

1 GEO. I. STAT. 2. CAP. XVIII.

AN ACT for the better preventing fresh Fish taken by Foreigners being imported into this Kingdom; and for the Preservation of the Fry of Fish; and for the giving Leave to import Lobsters and Turbets in Foreign Bottoms; and for the better Preservation of Salmon within several Rivers in that Part of this Kingdom called England.

WHEREAS notwithstanding the many good laws made for the preservation and improvement of the fishery in that part of this kingdom called England, particularly an Act of Parliament made in the fifteenth year of the reign of
15 Car. 2. c. 7. His late Majesty King Charles the Second, intituled "An "Act for the Encouragement of Trade;" and one other Act made in the eighteenth year of the reign of His said
15 Car. 2. c. 2. late Majesty intituled "An Act against importing Cattle "from Ireland, and other Parts beyond the Seas, and Fish "taken by Foreigners," many evasions have of late years been invented and practised, whereby that useful design has been very much obstructed, and more especially by the fraudulent practices of divers persons trading in English smacks, and other vessels, who when they are off at sea, buy great quantities of fish caught by foreigners, and import and market the same in this kingdom, to the great discouragement and impoverishment of His Majesty's subjects, and manifest detriment of the fishery and navigation: For remedy whereof, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the twenty-ninth day of September one thousand seven hundred and fifteen, no herring, cod, pilchards, salmon, or ling, fresh or salted, dried or bloated, nor any grill, mackarel, whiting, haddock, sprats, coal-fish, gull-fish, congers, nor any sort of flat-fish, nor any other sort of fresh fish whatsoever, shall be imported into, sold, or exposed to sale, in that part of this kingdom called England, which shall be taken by, bought of, or received from any foreigner or foreigners, or out of any stranger or strangers bottom, except Protestant strangers

In what case only fish taken by foreigners may be imported.

inhabiting within this kingdom, nor shall any person or persons give or exchange any goods or other things in exchange for any sort of fish so taken as aforesaid.

Master, &c. of smack, &c. in which fish imported.

II. And be it further enacted, that every master or commander, for the time being, of any smack, hoy, yager, boat, ship, or other vessel, in which any fish shall be imported or brought to shore, contrary to the true intent and meaning of this Act, being thereof lawfully convicted upon his appearance, or default made after due summons, before one or more justice or justices of the peace of the county, city, or place where the offender shall reside or be found, by the oath of two or more credible witnesses, which oath such justice or justices are hereby empowered and required to administer, shall forfeit for every offence, the sum of twenty pounds of lawful money of Great Britain, to be levied by distress and sale of the offender's goods and chattels, by warrant under the hand and seal, or hands and seals of such justice or justices, rendering to the party the overplus, if any be; and in default of payment of the said twenty pounds, or sufficient distress, the same justice or justices shall commit every such offender to the common gaol of such county, city, or place, there to suffer imprisonment during the space of twelve months.

Penalty.

Imprisonment.

Proviso.

III. Provided that nothing herein contained shall extend, or be construed to extend, to prevent the importing, buying, or exposing to sale any eels, stock-fish, anchovies, sturgeon, botarge, or cavear.

Meshes, &c. of nets regulated.

IV. And whereas of late years the breed and fry of sea fish has been greatly prejudiced and destroyed by the using of nets of too small size or mesh, and by other illegal and unwarrantable practices: Be it enacted by the authority aforesaid, that from and after the twenty-fifth day of September one thousand seven hundred and sixteen, if any person or persons shall use at sea, upon the coast of that part of Great Britain called England, any traul-net, drag-net, or set-net whatsoever, for the catching of any kind of fish (except herrings, pilchards, sprats, or lavidnian), which hath any mesh or moke of less size than three inches and half at least from knot to knot, or which hath any false or double bottom, cod, or pouch, or shall put any net or nets, though of legal size or mesh, upon or behind the others, in order to catch and destroy the small fish which would have passed through any single net of three inches and half mesh, all and every such person and persons so offending shall forfeit all and singular such net or nets so used contrary to the true intent and meaning hereof; and also for every such offence the sum of twenty pounds of lawful money of Great Britain, to be recovered and levied in such manner and form as the penalty above inflicted upon the master of any vessel, wherein fish shall be imported contrary to this Act, is above directed to be recovered and levied; and in default of payment of the said twenty pounds, or of sufficient distress, the offender to be imprisoned in like manner, during the space of twelve months.

Penalty.

How applied.

V. And it is hereby further enacted, that all penalties and forfeitures mentioned in this Act, except nets of illegal or false bottoms, cods, or pouches as aforesaid, (all necessary charges for the recovery thereof being first deducted) shall be distributed and disposed of in manner following; (that is to say,) one moiety thereof to the informer, and the other moiety thereof to the poor of the parish where such offence shall be committed.

Illegal nets to be burnt.

VI. And it is hereby further enacted and provided, that where any illegal nets of less mesh or moke than three inches and a half at least from knot to knot, or of false or double bottom, cod, or pouch, shall be proved as aforesaid, to have been forfeited, such net or nets shall, by warrant of such justice or justices, be publicly burnt.

Selling unsizeable fish.

VII. And for the further preservation of the said fry of fish, be it enacted by the authority aforesaid, that if any person or persons shall, at any time after the twenty-ninth day of September one thousand seven hundred and fifteen, bring to shore in that part of Great Britain called England, sell, offer, or expose to sale, or shall exchange for any other goods, matter, or thing, any unsizeable fish, that is to say, bret, turbet, brill, or pearl, codlin, whiting, mullet, bass, plaice, soles, or flounders, which shall not be of the several lengths or sizes following, from the eyes to the utmost extent of the tail, (viz.) every bret or turbet, sixteen inches; every brill or pearl, fourteen inches; every codlin, twelve inches; every whiting, six inches; every bass and mullet, twelve inches; every sole, eight inches; every plaice or dab, eight inches; and every flounder, seven inches; all and every person and persons so offending shall for every such offence forfeit all and every such unsizeable fish so brought on shore, sold, offered, or exposed to sale, or exchanged as aforesaid, to the poor of the parish or place where such offence shall be committed, and also shall, for every such offence, forfeit and pay the sum of twenty shillings of lawful money of Great Britain, one moiety thereof to the informer, and the other moiety thereof to the poor of the parish or place where the offence shall be committed, and to be levied and recovered as other penalties by this Act inflicted are directed to be levied and recovered; and in default of payment of the said forfeiture, or of sufficient distress for satisfaction thereof, the offender shall, by warrant of one or more justice or justices of the peace, be sent to the next house or houses of correction, or other common gaol or prison of any county, city, town, or place where such offence shall be committed, there to be severely whipped, and kept to hard labour for the space of six days, and not longer than fourteen days.

Penalty.

Where persons not liable to penalty.

VIII. Provided always, that where any person shall suffer imprisonment pursuant to this Act for any offence contrary hereunto, in default of payment of, or sufficient distress for any penalty hereby imposed, such person shall not be liable afterwards to pay such penalty.

Prosecut in one month.

IX. Provided also, that no person shall suffer any punishment for any offence committed against this Act, unless the prosecution for the same be commenced within one month after such offence committed, anything herein contained to the contrary notwithstanding.

10 & 11 W c. 24.

X. And whereas by an Act made in the tenth and eleventh years of King William the Third, intituled "An "Act for making Billingsgate a free Market for Sale of "Fish," the importation of lobsters and turbets in foreign vessels is prohibited: And whereas the said prohibition has made lobsters and turbets much dearer than they were before the passing the said Act; for remedy whereof, and for the better supplying this kingdom with lobsters and turbets at reasonable rates, be it further enacted by the authority aforesaid, that it shall and may be lawful to and for any person whatsoever, as well foreigners as British, freely to import, bring into, and sell in the kingdom of Great Britain, in any ship or vessel whatsoever, any quantity of lobsters or turbets, whether they be of foreign or British catching, in the same manner they might have done before the said recited Act of the tenth and eleventh years of the reign of His late Majesty King William was made, anything in the said Act, or any other Act since made, or usage to the contrary thereof in anywise notwithstanding.

How lobsters, &c. may be imported.

4 Ann. c. s. 3.

XI. And whereas in an Act of Parliament passed in the fourth and fifth years of the reign of Her late Majesty Queen Anne, intituled "An Act for the Increase and "better Preservation of Salmon, and other Fish in the Rivers "within the Counties of Southampton and Wilts," there is contained a clause whereby it is enacted, that no person or persons (not being duly qualified) should thereafter kill, destroy, or wilfully hurt any salmon or salmon-kind, or any other fish; and that neither they, nor any other person or persons whatsoever, should or might, at any time or times after the thirtieth day of June which should be in the year of our Lord one thousand seven hundred and six, take, kill, or destroy any salmon, salmon-peal, or salmon-kind, by hawks, racks, gins, nets, angles, or other devices whatsoever, until after the eleventh day of November in every year, or offer to sale any of the said fish so taken, under the pains, penalties, forfeitures, and imprisonments in the said Act mentioned: Be it enacted by the authority aforesaid, that the said clause, so far as the same doth and may concern the respective owners and proprietors of the fishery and fishing, in the respective rivers in the said Act mentioned, and every other person and persons entitled to fish in the same, and every of them, and his and their respective servants and agents, and every of them, shall be and is hereby repealed, and be deemed and taken to be hereby repealed.

How far pealed.

At what times owners, may take salmon,

XII. And it is hereby enacted by the authority aforesaid, that it shall and may be lawful for such owners, proprietors, and persons, and his and their servants and agents, and every or any of them, at any time or times hereafter, from the eleventh day of November which shall be in the year of our Lord one thousand seven hundred and fifteen, until the first day of August in every year, to take, kill, or destroy any salmon, salmon-peal, or salmon-kind, or offer to sale any of the said fish so taken between the times aforesaid.

Proviso.

XIII. Provided, and it is hereby enacted by the authority aforesaid, that no such owner, proprietor, or person aforesaid, or any of his or their servants or agents, shall or may at any time or times after the first day of August which shall be in the year of our Lord one thousand seven hundred and sixteen, and between that day and the twelfth day of November then next following, or at any time or times then after, between the first day of August and the twelfth day of November in any year, take, kill, or destroy, or wilfully hurt any salmon, salmon-peal, or salmon-kind, by hawks, racks, gins, nets, angles, or other devices whatsoever, or offer to sale any of the said fish so taken, under the like pains, penalties, forfeitures, and imprisonments as are mentioned and contained in the said recited Act.

Penalty.

Destroy the fry salmon the rive Severn, &c.

XIV. And whereas the several Acts of Parliament heretofore made for the preservation of fishing within the rivers of this realm, have hitherto proved ineffectual in respect to the rivers Severn, Dee, Wye, Teame, Were, Tees, Ribble, Mersey, Dun, Air, Ouze, Swaile, Calder,

Wharf, Eure, Darwent, and Trent, for want of a due encouragement to be given to such persons who could discover the many illegal practices and abuses done therein, and by reason of the dilatoriness and expensiveness of the suits and proceedings directed by the said Acts for punishing such abuses; wherefore for remedy thereof, and for the better securing the spawn, fry, and young breed of salmon in the said rivers, be it further enacted by the authority aforesaid, that if any person or persons whatsoever shall, at any time hereafter, lay or draw any kind of nets, engines, or devices, or wilfully do or commit, or cause to be done or committed, any other act whatsoever in the said rivers, or in any of them, whereby the spawn, or small fry of salmon therein, or any kepper or shedder-salmons, or any salmon not being in length eighteen inches or more, from the eye to the extent of the middle of the tail, shall be taken, and killed or destroyed, or shall hereafter make, erect, or set any bank, dam, hedge, or stank, net or nets cross the said rivers or any part thereof, whereby the salmon therein may be taken, or hindered from passing or going up the said rivers to spawn, or shall at any time, hereafter between the last day of July and the twelfth day of November for ever, by or with any net, device, engine, ways, or means whatsoever, take, kill, destroy, or wilfully hurt any salmon of any kind or size whatsoever in the said rivers, or shall at any time after the said twelfth day of November fish there for salmon with any other net or nets than what is or are allowed of by an Act of Parliament made in the first year of the reign of Queen Elizabeth, intituled "An Act "for Preservation of Spawn and Fry of Fish;" and by another Act made in the thirtieth year of the reign of our late Sovereign Lord King Charles the Second, intituled "An Act for "the Preservation of Fishing in the river Severn;" every person so offending in any of the said cases, who shall be convicted thereof before any justice or justices of peace of the county wherein the said offence shall be committed, either upon view of such justice or justices, by confession of such offender, or by one or more credible witness or witnesses upon oath (which oath every such justice of peace is hereby empowered to administer) shall forfeit the sum of five pounds for every such offence, besides the fish so taken, and the nets, engines, and devices used in doing or committing the same; one moiety of the said sum to be paid to the informer or informers, and the other moiety thereof to the poor of the parish where the said offence shall be committed; to be levied by distress and sale of the offender's goods and chattels, by warrant under the hand and seal of the justice or justices of peace before whom he shall be convicted as aforesaid, rendering the overplus, if any be, over and above the charges of the distress, to the person so distrained; and for want of such distress the offender shall be committed to the house of correction, or other county gaol or prison, for any time not exceeding three months, nor less than one month, there to be kept to hard labour, and suffer such other corporal punishment as the said justice or justices, upon consideration of the circumstances of such offence, shall think fit; and the said justice or justices of the peace, before whom the person so offending shall be convicted, shall order such nets, engines, and devices made use of in taking such fish, to be seized and immediately cut in pieces, or otherwise destroyed in his or their presence, and shall also cause such banks, dams, hedges, or stanks made or erected cross the said river, to be demolished and removed at the charges of such offender, such charges if not paid down on conviction, to be levied in the same manner as the said sum of five pounds is appointed to be levied.

Taking salmon contrary to 1 Eliz. c. 17. and 30 Car. 2. stat. 1. c. 9.

Penalty.

Distress.

Punishment.

And banks, &c. removed at charges of offender.

XV. And whereas several fishmongers of London and other cities and towns, by themselves or their agents, frequently buy and contract with the fishermen using the said rivers of Severn, Dee, Wye, Teame, Were, Tees, Ribble, Mersey, Dun, Air, Ouze, Swaile, Calder, Wharf, Eure, Darwent, and Trent, or others employed by them, for great quantities of salmon to be taken in the said rivers, which gives great encouragement to the taking salmon there of unsizeable lengths, and at unseasonable times: Be it therefore further enacted, that no such salmon shall be sent to London to such fishmongers or their agents, that shall weigh less than six pounds each fish; and every person buying, selling, or sending any such salmon of less weight than six pounds, who shall be convicted thereof in manner as aforesaid, shall forfeit the sum of five pounds for every such offence, besides the fish so to be bought and sold; one moiety of the said sum and fish to be paid and distributed to the informer or informers, and the other moiety thereof to the poor of the parish where such offence shall be committed; the said sum, if not paid upon conviction, to be levied by distress and sale of the offender's goods and chattels, by warrant under the hand and seal of the justice or justices of peace before whom he shall be convicted as aforesaid, rendering the overplus, if any be, over and above the charges of such distress, to the owner; and in default of sufficient distress, the offender shall be committed by such justice or justices to the house of correction, or other county gaol or prison, there to be kept to hard labour for the space of three months, unless the said forfeiture shall be in the meantime paid.

Regulations as to buying, &c. or sending to London salmon less than six pounds weight.

Penalty.

Distress.

Punishment.

XVI. Provided that where any offender in the said rivers, in or any of them, shall be punished by force of this Act, he shall not be prosecuted, nor incur the penalty of any other law or statute for the same offence.

Proviso.

XVII. Provided also, and it is hereby enacted, that all persons who shall think themselves aggrieved by any judgment of any justice or justices of the peace, in any of the cases aforesaid, may appeal to the justices of the peace of the county, city, or place where such judgment shall be given, at their next general quarter sessions, who are hereby empowered to hear and finally determine the same.

Appeal.

XVIII. Provided that this Act or anything herein contained, shall not extend or be construed to extend to any ancient wears or locks upon any rivers; but that it shall and may be lawful for the proprietors or owners thereof to repair, maintain, rebuild, remove, or take down any of the said wears or locks as they might have done in case this Act had not been made.

No. 35.

4 & 5 VICT. *Cap.* lvii.

AN ACT to repeal an Act passed in the Sixteenth Year of the Reign of His Majesty King George the Third, for the Encouragement and Improvement of the Pilchard Fishery carried on within the Bay of Saint Ives in the County of Cornwall; and to make other Provisions in lieu thereof. [21st June 1841.]

16 G. 3. c. 36.

WHEREAS an Act was passed in the sixteenth year of the reign of His Majesty King George the Third, intituled "An "Act for the Encouragement and Improvement of the Pil-"chard Fishery carried on within the Bay of Saint Ives in "the County of Cornwall:" And whereas the Provisions of the said Act have been found in some respects defective, and it is expedient that the same should be repealed, and other provisions made in lieu thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the first day of July one thousand eight hundred and forty-one, the said recited Act shall be and the same is hereby repealed, and that this Act shall thereupon take effect and be put in execution, save and except so far as relates to any penalty or forfeiture, which on the first day of July one thousand eight hundred and forty-one shall have been incurred under the said recited Act, or to any action, suit, information, or other proceeding which shall be then existing or depending in respect of the provisions of the said recited Act or any of them.

Recited Act repealed, and this Act to take effect.

II. And be it enacted, that the six several stems or stations for taking fish within the said bay of Saint Ives, respectively called or known by the names of Carrick Gladden, the Poll, the Leigh, Porthminster, Pedn Olver, and Carrick Leggoe otherwise Carn Crowze stems, shall from and after the passing of this Act be deemed and taken to be bounded and limited in manner herein-after particularly mentioned; that is to say, the Carrick Gladden stem is to be unlimited towards the south and towards the east, and to extend towards the north as far as the marks or boundaries set up and erected in Porth Repta river, in pursuance of the said recited Act; the Poll stem is to extend towards the north from the said marks or boundaries in Porth Repta river, as far as the marks or boundaries set up and erected on the north side of a certain hedge or fence, being the fourth fence from a house called the Signal House, on Porthminster hill, to the southward of the said house; the Leigh stem is to extend towards the north from the end of the Poll stem, according to the boundary herein-before mentioned, as far as the Carrick rock opposite Porthminster point; the Porthminster stem is to extend towards the north from the said Carrick rock as far as the marks or boundaries which are set up and erected on the banks of the Porthminster river; and the Pedn Olver stem is to extend towards the north from the said marks or boundaries on the banks of the Porthminster river as far as the marks or boundaries already

Boundaries of the stems ascertained.

set up near the present south corner of the churchyard in the said town of Saint Ives; and the Carrick Leggoe or Carn Crowze stem is to extend towards the south as far as the marks or boundaries so set up near the said present south corner of the said churchyard, and to be unlimited towards the north.

Expense of maintaining artificial marks to distinguish the boundaries of some of the stems.

III. And be it enacted, that the expense of maintaining, keeping up, and renewing the marks or artificial boundaries erected and set up as aforesaid for distinguishing and ascertaining the limits of such of the said six several stems or stations as terminate at or are bounded by marks or artificial boundaries, shall now and at all times hereafter be paid out of the Saint Ives fishery fund herein-after provided.

Turns forfeited for landing the warp rope in another station (but not for landing rope or seyne within St. Ives pier).

IV. And be it enacted, that if any boat and seyne holding or having taking turn upon any of the said six several stems or stations shall land or put on shore the warp rope belonging to her seyne net within the limits of any other stem or station than that upon which such boat and seyne had originally taken turn or stem, the turns or stems first taken by such boat and seyne shall be forfeited thereby: Provided always, that it shall and may be lawful for any boat and seyne holding and having taken any turn or stem as aforesaid, on any of the said six stems or stations, to land the warp rope and net of such boat and seyne, or the seyne net thereof, within the pier of Saint Ives, without becoming subject to such forfeiture as aforesaid, unless such landing shall have been made for the purpose of taking turn or stem on the Carn Crowze stem or station.

Penalty on boats on one station passing in pursuit of fish into another station.

V. And be it enacted, that in case any boat, holding or assuming to hold any turn or stem on any of the said stems or stations, shall, in pursuit of fish or otherwise, row or pass into any other stem or station, except in the cases permitted or provided by this Act, the master seyner and bowman of such boat shall for such offence forfeit any sum not exceeding the sum of ten pounds each.

When seyne is partly shot in one stem the remainder may be shot in the adjoining stem if the fish go thither.

VI. And whereas it frequently happens that after fish are within the limits of one of the said six several stems or stations, and after the boat then holding turn or stem upon such station has begun to shoot out her seyne, the fish start back or pass into the limits of one of the next stems or stations; be it therefore enacted, that in every such case it shall and may be lawful to and for every boat which hath begun to shoot her seyne when the fish were within the limits of the stem or station upon which she held or was entitled to turn or stem as aforesaid to continue to shoot out the remainder of her seyne in the adjoining stem or station into which such fish shall go or pass.

When seyne is shot it may be worked through and moored in any other stem.

VII. And be it enacted, that when any seyne net shall be shot within the limits of any of the aforesaid six several stems or stations such seyne net may be worked or hauled through the limits of any adjoining stem or station, and brought to a convenient and proper mooring place, and moored and secured within the limits of any of the said six several stems or stations, for the preservation of the said seyne and the fish enclosed therein.

Time of continuing upon the stems limited.

VIII. And be it enacted, that all stems or turns of fishing upon the aforesaid six several stems or stations shall commence at the hour of twelve at night, and shall, except as herein-after provided, be determined or end at the hour of twelve in the following night, unless the boat holding or keeping any stem or turn do in the meantime shoot or cast out into the water her seyne net; and that the several boats that shall take turn upon or take possession of any of the said six several stems or stations in the manner herein-after particularly mentioned shall successively, in the turn or order in which they shall have severally taken their turns or stems upon the respective stations, have the benefit and advantage of fishing within the limits of such stem or station, from the time the same turn or stem shall be taken until the hour of twelve in the succeeding night, subject to the restrictions herein-after mentioned.

The turn for fishing commencing on Saturday night to continue until Monday night.

IX. And be it enacted, that every stem or turn of fishing which shall commence at the hour of twelve at night on the Saturday in each week shall be determined at and not before the hour of twelve in the night of the following Monday, unless the boat holding or keeping such stem or turn do in the meantime shoot or cast out into the water her seyne net, subject to the restrictions in this Act contained; and in case any seyne net shall on the Sunday in any week be shot or cast into the water out of any boat in any of the stems or stations in this Act mentioned, by or on account of any person, partnership, or company, except the seyne net, and out of the boat respectively entitled to the next turn in such particular stem or station, the next turn or stem to which such person, partnership, or company shall be entitled in such stem or station shall be forfeited and lost.

Times for shooting the seynes upon the several stems or stations

X. Provided always, and be it enacted, that although the turns or stems are herein-before appointed to be held from the hour of twelve in one night to the like hour of twelve in the following night, yet the time for shooting the seyne nets within the limits of the said six several stems or stations by the boats holding turn or stem thereon respectively, shall commence and end at and within the several states of high and low water upon the said several stems or stations respectively herein-after particularly mentioned; (that is to say,) the turn or stem for shooting the seyne nets within the limits of Carrick Gladden stem or station shall begin at the time of half flood, and end at the time of half ebb of the tide upon that station; the turn or stem for shooting the seyne nets within the limits of the Poll stem or station shall begin at the time of a quarter flood, and end at the time of three-quarters ebb of the tide upon the last-mentioned station; the turn or stem for shooting the seyne nets within the limits of the Leigh stem or station shall begin at the time of three-quarters ebb, and end at the time of one quarter flood of the tide upon the said last-mentioned station; the turn or stem for shooting the seyne nets within the limits of Porthminster stem or station shall begin at the time of two hours flood, and end at the time of four hours ebb of the tide upon the said last-mentioned station; the stem or turn for shooting the seyne nets within the limits of Carn Crowze stem or station shall begin at the time of three-quarters ebb, and end at the time of one quarter flood of the tide upon the said last-mentioned stem or station; and within the limits of Pedn Olver stem or station the seyne nets may be shot at all times or states of the tide; and if any seyne net shall be shot within the limits of Carrick Gladden, the Poll, the Leigh, Porthminster, and Carn Crowze stems respectively, before or after the several states of the tide at which the turns or stems for shooting the seynes are herein-before particularly directed to commence and end at the said five last-mentioned stems or stations as aforesaid, the owner or owners of every such seyne shall forfeit for every such offence any sum not exceeding the sum of twenty pounds, and the hewer of such seyne shall forfeit any sum not exceeding the sum of ten pounds; and if any fish shall be taken in consequence of any seyne net or nets being shot contrary to the directions herein-before given, all such fish shall be forfeited to such person or persons as the justice or justices by whom the complaint against the parties so offending as aforesaid shall be heard shall order and direct.

Commencement and end of turns for shooting seynes to be made known by signal.

XI. And be it enacted, that the commencement and end of the aforesaid several turns or stems for shooting the seyne nets within the limits of the said Carrick Gladden, the Poll, the Leigh, Porthminster, and Carn Crowze stems respectively, shall be declared and made known by the hoisting of a flag or some other proper signal at the Beacon House on Porthminster Hill, by a person to be appointed for that purpose by the owners of boats and seynes employed in the said fishery in manner herein-after mentioned.

Times when boats having turn on one stem may shoot their seynes within the limits of another stem.

XII. And be it enacted, that when the turn or stem for shooting the seyne nets within the limits of Carrick Gladden stem or station by the boats upon that station shall be at an end at the state of the tide upon that station herein-before for that purpose mentioned, it shall be lawful to and for the boats having or holding turn or stem upon the Poll stem to shoot their seyne nets into the limits of Carrick Gladden stem until such stem shall again commence, according to the directions herein-before for that purpose given, and also to shoot their seyne nets into the limits of the Leigh stem, but only during such times respectively as herein-after mentioned; that is to say, during the time from the time of one and a half hour's flood to the time of three hours flood, and again during the time from the time of three hours ebb to the time of four and a half hours ebb; and moreover, that in case any seyne net shall be shot from any boat in any part of the Leigh stem or station, except during the time of the continuance of the turn or stem for shooting the same nets within the limits of the said Leigh stem or station under this Act, or by the boats and seynes having turn or stem on the Poll stem or station, within the respective times, and under the provision herein-before contained, all fish which shall be taken by any such syene net so shot in the said Leigh stem or station as aforesaid, except as aforesaid, shall be forfeited to the owner or owners of the boat then holding and entitled to turn or stem on the Porthminster stem or station; and further, that when the turn or stem for shooting the seyne nets within the limits of Carrick Gladden and the Poll stems respectively by the boats upon the said last-mentioned stations shall be at an end, according to the directions and at the states or times of the tide upon these stations herein-before for that purpose given and mentioned, it shall and may be lawful to and for the boats having or holding turn or stem upon the Leigh station to shoot their seyne nets into the limits of Carrick Gladden and the Poll stems respectively, until the Poll stem shall again commence according to the directions herein-before for that purpose given; and also when the turn or stem for shooting the seyne nets within the limits of the Porthminster and Carn Crowze stems re-

spectively, by the boats upon the said last-mentioned stations shall be at an end, according to the directions and at the states of tide herein-before for that purpose given and mentioned, it shall and may be lawful to and for the boats having or holding turn or stem upon the Pedn Olver station, to shoot their seyne nets into the limits of the said Porthminster and Carn Crowze stems respectively.

Restriction on boats having turn on the Porthminster stem.

XIII. Provided always, and be it enacted, that no boat having or holding turn or stem on the Porthminster stem shall pass to the south of the Carrick rock for the purpose of shooting any seyne net.

Boats quitting stem, the others to succeed according to the order in which they are registered.

XIV. And be it enacted, that the shooting of every seyne net or casting the same into the sea, shall put an end to or determine the turn or stem of the boat out of which such seyne net shall have been shot or cast out into the sea; and that whenever any boat holding the first or any other turn or stem upon any of the aforesaid six several stems or stations shall have shot out her seyne net, then the several other boats upon such stem or station shall successively take their turns of fishing thereupon, according to the order in which they respectively took their turns or stems upon such stem or station; and also that in case any boat holding the first or any other turn or stem upon any of the said six several stems or stations shall be absent from such stem or station at the time the fish begin to appear within the limits of such stem or station, then the other boats then holding turn or stem upon the same station shall successively take their turns of fishing thereupon, according to the order in which they respectively took their turns upon such station, until such boat so quitting or being absent from such station shall return to the same, and thereby regain her turn or stem thereupon, which such boat is hereby authorized to do.

What entitles a boat to take stem.

XV. And be it enacted, that the order and manner of taking the turns of fishing, commonly called taking stems, upon the aforesaid six several stems or stations, shall be as follows; that is to say, the boat taking turn or stem must have on board five men at the least, and a sufficient seyne net with warp rope and tow rope of the dimensions hereinafter specified; and to entitle any boat to a turn or stem, and the benefit and advantage thereof, the warp rope of the seyne net belonging to such boat is to be landed at the aforesaid several stems or stations within the several distances following; that is to say, at Carrick Gladden stem the warp rope is to be landed between Carrick Gladden point and the limits of the said stem in Porth Repta river aforesaid; at the Poll stem, the Leigh stem, Porthminster stem, and Pedn Olver stem respectively, the warp rope may be landed at any place within the respective limits of the aforesaid several stems or stations herein-before described; and at Carn Crowze stem the warp rope is to be landed at any place between the aforesaid south corner of the churchyard in Saint Ives and a rock called Merran, northward of the said churchyard; and that all the said turns or stems are to be taken by landing such warp rope, and not otherwise; and no warp rope shall be deemed and taken to be landed within the intent of this Act unless one end of such warp rope shall actually be on shore and there dry.

No boat to put to sea to shoot the seyne until the warp rope is landed.

XVI. And be it enacted, that the warp rope of every seyne net shall be landed or brought on shore before the boat having such seyne net on board is put off to sea, to shoot her seyne; and that if any boat having a seyne net on board shall be put out to sea before the warp rope of her seyne net shall be landed, the hewer or hewers of such boat and seyne shall, upon conviction by the oath of one or more credible witness or witnesses before any such justice of peace as aforesaid, forfeit and pay for every such offence any sum not exceeding the sum of fifty pounds; and if any fish shall be taken by such boat, all such fish shall be forfeited to the owner or owners of the boat then next in turn upon the stem or station within the limits of which such offence is committed, having her warp rope on shore.

Penalty.

Second boat shall not put to sea till first boat hath shot her seyne.

XVII. And be it enacted, that no boat having or holding a second or other subsequent turn or stem upon any of the aforesaid six several stems or stations shall be put out to sea until every boat, entitled to any prior turn or stem upon that station, shall respectively have shot out all her seyne, or shall desist from shooting out the same; and that if any boat holding the second or other following turn or stem upon any of the aforesaid six several stems or stations shall be put out to sea before the boat entitled to any prior turn or stem upon such station shall have shot out her whole seyne, or, having begun to shoot, shall desist from shooting the same, the hewer or hewers of such boat shall forfeit for every such offence any sum not exceeding the sum of ten pounds; and if any fish should be taken by such boat or seyne so put out to sea contrary to the provisions of this Act, all such fish shall be forfeited to the owner or owners of the boat and seyne which shall have then landed her warp, and shall have thus become entitled to the first of such prior turns or stems.

Penalty.

Regulations for a prior boat forbidding a subsequent boat from shooting seyne, &c.

XVIII. And be it enacted, that if the warp rope of the seyne net belonging to the boat entitled to the first or any prior turn or stem upon any of the said six several stems or stations shall be landed before any other boat which may have put out to sea shall have shot out one end or part of her seyne, and any boat not entitled to any turn or stem on such station, or only entitled to some turn or stem subsequent in order to such first or other prior turn or stem, shall then shoot out her seyne after and notwithstanding the crew of such last-mentioned boat or any of them shall have been forbidden so to do by any owner of the boat entitled to such first or other prior turn or stem, or his agent or servant, or by the hewer or any of the crew thereof, or after and notwithstanding such boat entitled to such first or other prior turn or stem shall have its warp rope on shore, and shall be worked or put to sea by the hewer thereof, which shall be deemed equivalent to such forbiddal as aforesaid, then and in such case all the fish which shall be taken by such boat so shooting her seyne after and notwithstanding such forbiddal, or acts equivalent to such forbiddal, as aforesaid, shall belong and be forfeited to the owner or owners of the boat so entitled to the first or other prior turn or stem of which the warp rope shall have been so landed, and the owner and the owners of the boat out of which the seyne net shall be so shot shall also forfeit any sum not exceeding the sum of fifty pounds; and in every proceeding in relation to the forfeitures under this clause the owner, agent, servant, hewer, or person by whom such forbiddal shall have been given or signified shall be a competent witness although he may be interested in the result: Provided always, that if any boat entitled to a subsequent turn or stem shall have shot out any part of her seyne before the warp rope of the seyne belonging to the boat entitled to any prior turn or stem on the same station shall have been landed, or before such forbiddal, or acts equivalent to forbiddal, as herein-before mentioned, then and in such case the persons belonging to the boat entitled to such subsequent turn as aforesaid may proceed in shooting out the remainder of her seyne.

Penalty.

No boat having commenced shooting her seyne by throwing overboard any part shall resume the shooting thereof in respect of the same turn, unless no other boat has taken its turn.

XIX. Provided always, and be it enacted, that it shall not be lawful for any boat which shall have commenced to shoot her seyne by throwing overboard any part thereof, and shall have desisted from shooting the same, to resume the shooting thereof in respect of the same turn or stem, unless no other boat shall have duly taken possession of a subsequent turn or stem on the same station by landing her warp; and in case any boat, which shall have so commenced and desisted as aforesaid, shall resume the shooting of her seyne as aforesaid, after some other boat shall have duly taken possession of such subsequent turn or stem as aforesaid, the owner or owners of the boat the shooting from which of the seyne shall be so resumed shall forfeit any sum not exceeding the sum of fifty pounds, and the fish, if any be taken in the seyne whereof the shooting shall be so resumed, shall be forfeited to the owner or owners of the boat and seyne which shall be entitled to the next turn or stem on the same station: Provided always, that nothing herein contained shall be construed to prevent any boat which shall have shot her seyne net, or any part thereof, and shall again have taken her wet seyne net on board, from again shooting such seyne net without any new taking or registration of a turn or stem, in case no other boat registered for the same station, or entitled thereto, shall, at or before the time of such shooting, again have taken possession as aforesaid of some subsequent turn or stem.

Penalty.

Proviso.

Boat taking a fresh stem after the seyne net is shot, and before such seyne is taken out of the water, the stem to be forfeited, and the owners to forfeit 10*l*.

XX. And be it enacted, that when any boat that shall have taken turn or stem upon any of the aforesaid six several stems or stations, within the time and according to the directions herein-before for that purpose limited and given, shall have shot out her seyne net, such boat shall not take any fresh turn or stem upon any other stem or station until her said seyne net so shot as aforesaid shall be taken out of the water; and in case any boat having shot her seyne net as aforesaid shall take any fresh turn or stem upon any other stem or station before her said seyne is taken out of the water, the owner or owners of such boat shall forfeit and pay for every such offence any sum not exceeding the sum of ten pounds, and the turn or stem so taken contrary to the true intent and meaning of this Act shall be void, and no benefit or advantage had or taken therefrom, but that all fish that shall be taken by such boat and seyne shall belong to and be the property of the owner or owners of the boat and seyne then entitled to turn or stem on the same station, according to the true intent of this Act.

Regulations for the dimensions of seyne nets, tow ropes, and warp ropes.

XXI. And be it enacted, that in order to entitle any boat or seyne to hold or take turn or stem under this Act, the seyne net on board such boat shall measure one hundred and sixty fathoms in length at the least at the cork rope of such seyne, of cod or Dungarvon mesh, and shall measure eight fathoms at the least in depth at the bunt or

Marks.

middle, and six fathoms at the least in depth at the lash end of each sleeve; and shall be marked on six leads at the least in the middle or bunt, and also on six leads at the least of each sleeve, by inserting or imprinting the name at length of such seyne on each of such leads, such marks to be made by the registrar by dies to be provided as hereinafter mentioned; and shall have a tow rope not less than eighty fathoms in length, and a warp rope not less than three hundred and twenty fathoms in length, such tow rope and warp rope respectively to be not less than three inches in circumference; and all the fathoms in this Act mentioned to be computed after the rate of six feet to the fathom.

No tuck or thwart or stop net to entitle any boat to take a turn.

XXII. And be it enacted, that no tuck net, commonly used in tucking or taking up fish out of seyne nets, nor any net used as a thwart or stop net, shall entitle any boat to take or hold a turn or stem upon any of the aforesaid six several stems or stations; and if any such turn or stem shall be taken or held by any boat by means or under colour of any such tuck net, or thwart or stop net, the owner or owners of such boat shall forfeit any sum not exceeding the sum of one hundred pounds.

Penalty.

Stop and thwart nets to be marked on leads.

XXIII. And be it enacted, that every stop or thwart net to be used in the said fishery shall be registered by the registrar to be appointed under this Act, before the same shall be so used, and shall be marked by the registrar on six at least of the leads thereof, by imprinting thereon the words "stop net," and some number or distinguishing mark; and that for the purpose of marking, as well the said stop nets as the said seyne nets, there shall be provided by or for the registrar under this Act, at the charge of the Saint Ives pilchard fishery fund herein-after mentioned, proper dies for marking such leads in plain and distinct characters; and such dies shall only be used by the said registrar, or by his assistant in his presence, and according to the provisions of this Act; and the registrar for the time being shall retain in his custody all the dies so provided for or by him as aforesaid; and if any registrar shall deliver up or part with the possession of any die which shall be so provided for the purposes aforesaid, and with which any seyne or stop net leads may have been marked as aforesaid, except to his successor in office, or for the purpose of production before a justice, or in some court of justice, or in some legal proceedings, such registrar shall for every such offence forfeit and pay the sum of twenty pounds.

Dies for marking to be provided,

Registrar to retain all dies in his possession.

Persons wilfully defacing, &c. the leads of any seyne subject to penalties.

XXIV. And be it enacted, that if any seyne owner, by himself or his agent or servant, shall wilfully deface or alter all or any of the marks imprinted on any of the leads of any seyne net or stop net under the authority of this Act after the same shall have been duly registered as aforesaid, or shall direct or knowingly permit the name of any seyne to be imprinted on any such leads or lead as aforesaid, except by the registrar, and according to the provisions of this Act, every such seyne owner so offending shall for every such offence forfeit and pay any sum not exceeding the sum of one hundred pounds; and in case any person shall wilfully deface or alter any such marks or name on any such lead as aforesaid, he shall for every such offence forfeit any sum not exceeding the sum of twenty pounds, or, at the discretion of the justice before whom he may be convicted, be imprisoned for any term not exceeding three calendar months: Provided always, that nothing herein contained shall be taken to prevent any seyne owner from changing, in the interval between any two fishing seasons, the name of his seyne, so as the new name which may in each case be given be signified to the registrar, and duly imprinted or marked by him on the requisite number of leads as herein-before provided, at or before the commencement of the second of such seasons.

Regulating the stop or thwart nets to be used.

XXV. And be it enacted, that it shall not be lawful for the owners of or persons having the management of any seyne employed in the said fishery to use upon the shooting of any such seyne net more than two stop or thwart nets, or to use any stop or thwart net exceeding one hundred and twenty fathoms in length, or to use any registered seyne or any part thereof, or any net or part of net whatever, not duly registered and marked as a stop net, under the provisions of this Act, as or instead or for the purpose of a stop or thwart net; and in case more than two stop or thwart nets, or any stop or thwart net exceeding one hundred and twenty fathoms in length, shall be used upon the shooting of any such seyne, or in case any registered seyne or any part thereof, or any net or part of net whatever, not duly registered and marked as aforesaid as a stop net, shall be used as or instead of or for the purpose of a stop or thwart net, the fish taken by the shooting upon which more than two stop or thwart nets, or such stop or thwart net exceeding one hundred and twenty fathoms in length, or such registered seyne or part thereof, or other net or part of net as aforesaid, not so registered as aforesaid, used for the purpose of a stop or thwart net, shall have been so used, shall be forfeited to the owners of the boat and seyne next entitled to turn or stem on the same stem or station, and the owners of the seyne on the shooting of which such offence shall have been committed shall forfeit the sum of twenty pounds.

The owner of any net shot from any boat other than the boat with which the same is registered to forfeit 50*l.*, &c.

XXVI. And be it enacted, that if any seyne net shall be shot from any boat other than and except the boat with which the same shall have been registered under this Act, then and in every such case the owner or owners of such seyne shall forfeit and pay for every such offence the sum of fifty pounds, and the hewer and master seyner of such boat and seyne shall forfeit the sum of five pounds each; and if any fish shall be taken by the seyne which shall be so shot as aforesaid, all such fish shall be forfeited to and become the property of the person or persons who shall be owner or owners of the boat which shall be next in turn upon the stem or station within the limits of which such offence shall have been committed.

As to shooting a second seyne around the first.

XXVII. And be it enacted, that if in any case where a seyne shall have been lawfully shot on any of the said six stems or stations, and fish shall be enclosed therein, and such seyne shall have been properly moored as herein-after provided for, then, in case the owners or manager of such seyne shall be desirous to shoot another seyne around the seyne so moored for the purpose of better securing the fish, it shall be lawful for him so to do after such first-mentioned seyne shall have been so moored as aforesaid, but not before, provided the second seyne so to be shot be one of the seynes for the time being registered for one of the said six stems or stations.

Gurries to be measured and marked.

XXVIII. And be it enacted, that the gurries or vessels to be used by every company or partnership for the carriage of or division of pilchards taken from the boats that shall bring home the pilchards from the seyne shall be all of the following size or dimensions, that is to say, thirty inches in length, twenty-one inches in breadth, and nineteen inches deep; and that all such gurries or vessels which shall not have been marked under the provisions of the said recited Act shall, before they have been used, be measured and marked in some conspicuous place or part thereof by the registrar for the time being under this Act; and if any person shall make use of or attempt to make use of any gurry or vessel that shall not have been measured and marked under the said recited Act or under this Act, as aforesaid, it shall and may be lawful for any person observing such unmarked gurry or vessel to seize the same, and carry such unmarked gurry or vessel before the mayor of the said borough of Saint Ives for the time being, or any justice; and if the same shall, upon view or examination thereof, appear to be unsizeable, contrary to the directions herein-before given, or unmarked by the said registrar, the owner of such gurry or vessel shall forfeit and pay the sum of one pound and one shilling for every such unmarked gurry or vessel, and the same shall be immediately broken and destroyed: Provided always, that if at any future time it shall be thought proper to make any alteration in the size of the said gurries or vessels, it shall and may be lawful to and for the several owners of boats and seynes employed in the said pilchard fishery, meeting and voting at a meeting to be summoned in manner herein-after mentioned, from time to time, as often as they shall think proper, to make such alterations in and regulations relating to the size and dimensions of the said gurries; and after such alteration and new regulation, and so long as such regulation shall continue in force, all the gurries to be used in the carriage or division of the said fish shall be of the size and dimensions so from time to time directed by such regulations, and shall also be measured and marked before they are used in such and the same manner as is herein-before directed.

Penalty.

For altering the dimensions of gurries, &c. when requisite.

Time and manner of registering the turns or stems.

XXIX. And be it enacted, that the aforesaid several turns or stems when taken by landing the warp rope as aforesaid, shall be registered in manner following; (that is to say,) one of the five men who shall be in the boat at the time such turn or stem is taken, or the hewer for the seyne or master seyner in the said boat, shall, on the same day on which such turn or stem is taken, or before the hour of eight in the forenoon of the next day, bring a list or written account of such turn or stem to the registrar appointed to receive the same, in which list or written account shall be inserted and set down the name of the seyne boat, and of the seyne in such boat respectively, the time when and upon which stem or station such turn or stem was taken, and the names of the five persons employed in taking such turn or stem; which list or written account shall be registered in a book by the said registrar, and every turn or stem not duly registered in the manner and within the time aforesaid shall be forfeited: Provided always, that in case any such turn or stem shall have been duly taken by any boat and seyne, and shall afterwards be duly registered within the time limited in this Act, the shooting of the seyne net from such boat shall be legal, although it shall happen before such registration shall have been actually made.

Stems not registered to be forfeited.

Registry of lists to be evidence that turn was taken.

XXX. And be it enacted, that the registry of every list or written account containing the particulars required by this Act, which shall be entered in the book to be kept for that purpose by the registrar under this Act, shall be sufficient evidence that such turn or stem was duly taken according to the terms of such registry, unless such registry shall be cancelled or altered in manner herein-after mentioned.

If turns or stems not duly taken, registry to be cancelled or altered.

XXXI. Provided always, and be it enacted, that in case any person shall, within forty-eight hours after the time when any such turn or stem shall have been registered, deliver to a justice a complaint in writing, stating that such turn or stem was not duly taken, and specifying his objections to the taking of such turn or stem, such justice shall, by warrant, summon the hewer for the seyne, or any one of the crew (for the time being), in the boat taking turn or stem, and the person making such complaint, to appear before him, and shall hear the matter of such complaint upon oath, and in case it shall appear to him that such turn or stem was not duly taken, shall order the registry thereof to be cancelled, or the entry thereof to be altered, as the case may require, and shall award such costs to either party as to him shall seem proper, such costs to be recovered from the party ordered to pay the same in the same manner as the penalties under this Act are hereby made recoverable; and in every such case in which an order for cancelling or altering a registry shall be made the registrar shall produce the book of registry to such justice, and shall cancel or alter the same according to his directions, and such justice shall sign, in the margin or at the foot of the page in which any such cancellation or alteration shall be made, a memorandum testifying that such cancellation or alteration was made under his order; and every registry so altered shall, according to the terms thereof, when so altered, for purposes of evidence and other purposes, have the same force and effect as an original registry.

Penalty for making false register.

XXXII. And be it enacted, that if any person shall register or cause to be registered any boat and seyne as having taken any turn or stem upon any of the aforesaid six several stems or stations within the time and in the manner herein-before particularly mentioned, and it shall afterwards appear, either that such boat and seyne were not entitled to take such turn or stem, or that such boat and seyne did not take such turn or stem in the manner, within the time and limits herein-before for that purpose particularly mentioned and provided, and in the list or written account of such turn or stem particularly mentioned and set down, then and in every such case the person guilty and convicted of such offence, and the owner or owners of the boat and seyne whose turn or stem is so falsely registered, shall forfeit and pay for every such offence the several sums hereinafter mentioned; (that is to say,) the owner or owners of such boat and seyne any sum not exceeding the sum of twenty pounds, and the person guilty of such offence any sum not exceeding the sum of ten pounds; and the turn or stem of every boat and seyne of which the turn or stem shall be so falsely registered shall be forfeited.

The registrar authorized to enter into any seyne boat.

XXXIII. And be it enacted, that it shall and may be lawful for the registrar and he is hereby required, before the leads of any seyne net shall be marked as herein-before directed, and also at any subsequent time, and from time to time, upon the request in writing of any seyne owner, and also, although not so requested, when and so often as he shall think fit, and with or without assistants or attendants, to enter into any seyne boat employed in the said pilchard fishery to measure and ascertain the length and depth of any seyne used or intended to be used in the said fishery, whether the same shall have been previously registered or not, and to examine the names and marks on the leads of any such seyne which shall have been registered, and to ascertain whether such seyne shall correspond with the registration thereof for any such turn or stem as aforesaid; and also to measure and ascertain the lengths and sizes of the warp rope, tow rope, and mooring ropes respectively; and the reasonable expenses for the time or trouble of the said registrar and his assistants or attendants shall be paid or borne by the owners of the seyne net, if the same, or the warp rope, tow rope, or mooring ropes, shall appear to be deficient in length or size, or otherwise defective, according to the directions of this Act, or in case any of the names or marks on the leads of such seyne nets shall be found to be obliterated or wanting, or shall not correspond with the registration thereof, over and above any penalty annexed to any such offence; and in case no such defect, obliteration, or want of correspondence as aforesaid shall appear, then such expenses shall be paid or borne by the seyne owner at whose request such entry and examination may have been made, in case such entry and examination was made on such request as aforesaid, such expenses to be recovered in the same manner as penalties and forfeitures are made recoverable under this Act; and if any person shall obstruct or hinder the registrar for the time being, or any of his assistants or attendants, from entering such boat, or in measuring any seyne net, warp rope, tow rope, or mooring rope, every person so offending shall for every such offence forfeit any sum not exceeding the sum of twenty pounds.

One hour's notice to be given to the registrar previous to a seyne net being put on board for the first time.

XXXIV. And be it enacted, that it shall not be lawful for any seyne owner or other person to put any seyne net on board any boat for the first time in any season, to be used in the said fishery, or to return to any such boat any seyne which shall have been landed therefrom for the purpose of being housed or stored, without giving one hour's previous notice thereof in writing to the registrar of the intention so to put on board or return such seyne net as aforesaid, in order that the same and the ropes used therewith may be examined by such registrar.

Where the dimensions of a seyne or of the warp or tow ropes are found deficient, the owner precluded from taking turn or stem therewith.

XXXV. And be it enacted, that in case, upon any examination thereof by the registrar, any seyne, or the warp rope or tow rope used therewith, shall not be found by the said registrar to be of the dimensions by this Act required, then and in any such case the owners of such seyne shall be precluded from holding or taking any turn or stem with such seyne, or with the boat in which the same shall be, or if the same shall not have been registered as aforesaid, from registering the same, or the boat in which the same shall be, or any boat belonging to the same seyne respectively, until all such defects in dimension shall have been removed, and such seyne and ropes shall have been re-examined and found perfect by the registrar.

Registrar to inspect and examine the nets.

XXXVI. And, for preventing frauds on the provisions of this Act by the alterations of nets and netting during the fishing seasons, be it enacted, that it shall and may be lawful to and for the registrar to be appointed under the provisions of this Act, and he is hereby required, at the request in writing of any owner of a boat and seyne employed in the said fishery, or if he shall so think fit without such request, to require the owners or owner of the boats and seynes employed in the said fishery, or any such owners or owner, to produce to or before such registrar, at any reasonable time or times during any season of the said fishery, for his inspection and examination, all such seyne nets and stop nets as such owners or owner respectively may have caused to be registered in or for such season; and if any such owner, after notice in writing to him or them, or to his or their agent or agents, shall refuse or neglect to produce to such registrar, and permit him to inspect and examine, all the seyne nets or stop nets which shall have been so registered by such owner, except such of them as shall have been lost or destroyed, or shall be no longer the property of such owner; or in case any of such seyne nets or stop nets, or the leads thereof respectively, shall have been fraudulently altered or shifted for the purpose of using such stop nets or any of them as a seyne net, or for the purpose of using any seyne net or part thereof as a stop net or thwart net, or otherwise for the purpose of evading the provisions of this Act, every owner who shall so neglect or refuse to produce such nets as aforesaid, and every owner of a net which shall have been so fraudulently altered as aforesaid, shall for such respective offence forfeit any sum not exceeding the sum of five hundred pounds; and in every proceeding against a seyne owner for neglecting or refusing to produce any such nets as aforesaid it shall be incumbent on such owner to prove the loss or destruction, or otherwise account, to the satisfaction of the justice before whom such proceeding shall be had, for the absence of every net which he shall have so neglected or refused to produce.

Penalty.

Penalty on leaving boats at anchor without five men on board.

XXXVII. And be it enacted, that no seyne boat or tow boat, having its respective nets on board, shall remain or be left at anchor or be moored or fastened within the limits of any of the aforesaid six several stems or stations without five men at the least on board such boat the whole time the same shall remain at anchor or be moored or fastened as aforesaid, unless the same boat shall be so at anchor or moored or fastened within fifty fathoms of the shore, or within the usual anchorage in the roadstead of Saint Ives pier; and that if any such seyne boat or tow boat, having its respective net on board, shall be left or found at anchor within the limits aforesaid (except as aforesaid) without five men at the least on board such boat respectively, the owner or owners of such boat shall for every such offence forfeit any sum not exceeding the sum of ten pounds.

Mooring ropes not to exceed forty fathoms, and seyne anchors to have but one flook.

XXXVIII. And be it enacted, that no mooring rope to be bent or fastened to any anchor, and used in mooring any seyne net within the limits of any of the aforesaid six several stems or stations, shall exceed forty fathoms in length, and that all anchors to be used in mooring seynes within the limits of any of the aforesaid six several stems or stations shall have one flook only; and that if any seyne shall hereafter be moored within the limits of any of the aforesaid six several stems or stations with any anchor having two flooks, or with any rope longer than forty fathoms, to be computed

after the rate aforesaid, the owner or owners of every such seyne shall forfeit and pay any sum not exceeding the sum of ten pounds for every such offence.

Every anchor used in mooring to have a sufficient buoy and buoy rope.

XXXIX. And be enacted, that there shall be a proper and sufficient buoy and buoy rope made fast to every anchor which shall be used in mooring any seyne net within the limits of any of the said six several stems or stations, so as to point out and discover every such anchor during all the time that such seyne shall remain in the water, and in default thereof the owner or owners of every such seyne net so moored within the limits aforesaid by any anchor without a sufficient buoy and buoy rope fastened thereto shall forfeit the sum of ten shillings for every anchor used in mooring such seyne net without having a sufficient buoy and buoy rope made fast to the same, as aforesaid.

Penalty on master seyner neglecting to give assistance, &c. in case of drifting or starting of mooring ropes, &c.

XL. And whereas, when more than two seyne nets are moored together, it may frequently happen, by the violence of the tide or otherwise, that the anchors of some of the outermost of the said seyne nets may drive or start, or the mooring ropes belonging or fastened to such anchors may part or break, by means whereof the sides of the inner seyne net or nets may be forced too near together, so as to endanger the loss of the fish enclosed therein: Be it therefore enacted, that in all such cases the owners of such outermost seyne net, whose anchors shall drive or mooring ropes part as aforesaid shall, upon notice being given to any one of such owners, or to the hewer of such seyne or master seyner thereof, immediately assist and send one boat, manned with five men at the least, to replace the said outermost seyne in its proper berth or station again; and in case of any neglect or refusal to afford such assistance as aforesaid the owners or master seyner of the inner seyne net or nets so in danger of losing their fish as aforesaid shall be at liberty to replace such outermost seyne into its proper berth or situation, and the owner or owners of such outermost seyne neglecting to afford such assistance as aforesaid shall for every such offence forfeit the sum of five pounds to the owner or owners of the said inner seyne net or nets, for and towards the expense of replacing the said outermost seyne net as aforesaid.

Two seynes may be moored together with ten anchors on the east and west sides of such seynes.

XLI. And be it enacted, that if more seyne nets than one shall happen to be in the water at the same time with fish enclosed in each, the owner of the seynes which there shall be occasion to moor, after the first seyne shall have been moored, shall be at liberty to moor the said seynes together, fastening the cork rope of the one seyne net to the cork rope of the other; provided there be not less than ten sufficient mooring anchors put out on the southern sleeve or side of the southernmost seyne net, and no less than ten sufficient mooring anchors on the northern side of the sleeve of the northernmost seyne net; and if the owner of such southern or northernmost seyne shall neglect to moor his respective seyne net with ten sufficient mooring anchors as aforesaid, such owner shall for every such offence forfeit any sum not exceeding the sum of forty pounds.

Penalty.

One anchor to the bunt of every seyne.

XLII. And be it enacted, that the bunt or middle of every seyne net in which fish shall be enclosed shall be moored with one sufficient anchor at the least, when such seyne shall be hauled into her proper berth, and there moored on the sleeves or sides as aforesaid.

Seyne that is first moored to attend the mooring of every other seyne.

XLIII. And be it enacted, that when any seyne net with fish enclosed therein shall be moored within any cove or berth, and it shall be necessary to moor any other seyne net in the same cove, the owner or owners or hewers of the seyne so first moored shall send out a boat, manned with four men at the least, to attend the mooring of such other seyne net, to see that the seyne first moored shall receive no damage by the hauling in or mooring such other seyne net into the said cove; and in case the owners of the seyne first moored shall neglect to send out such boat so manned as aforesaid, the owners of such other seyne net shall not be answerable for any damage to be done or which shall happen by hauling such other seyne net into a proper berth in the said cove, and mooring there.

Penalty for cutting off rope belonging to seynes, &c.

XLIV. And be it enacted, that if any person shall, either by day or night, wilfully and maliciously cut or cast off, or cause to be cut or cast off, any warp rope, tow rope, or mooring rope, of or belonging to any seyne or thwart net in the water; or shall wilfully and maliciously cut, break, or destroy any such seyne or thwart net in the water; or shall wilfully and maliciously cut, cast off, or unbend any cable, hawser, or other rope, either fastened on shore or bent to any anchor then used for mooring any ship or vessel which shall be lying in the pier or harbour of Saint Ives for the purpose of loading fish; or shall wilfully cut, cast off, or unbend any hawser or rope fastened on shore or bent to an anchor then used for mooring any boat whatsoever lying within the said pier or harbour; then and in any of the said cases every person so offending, being thereof lawfully convicted, shall be adjudged guilty of felony, and shall be liable to be transported beyond the seas for seven years, or to be imprisoned for any time not exceeding three years, at the discretion of the judge or court before whom such offender shall be tried.

Proviso relating to vessels going into or out of St. Ives harbour.

XLV. Provided always, and be it enacted, that nothing in this Act contained shall extend or be construed to extend to hinder or prevent any person or persons on board any boat, ship, or vessel coming into or going out of the said pier or harbour of Saint Ives, from cutting or casting off any rope or cable, where it shall be necessary to be done for the safety of any such boat, ship, or vessel.

Between the 25th day of July and the 25th day of December boats to keep within 20 fathoms from the shore.

XLVI. And be it enacted, that all boats which shall have occasion to pass and repass within the limits of the aforesaid six several stations between the twenty-fifth day of July and the twenty-fifth day of December in every year, shall, during such last-mentioned space of time, keep within the distance of twenty fathoms from the shore; and that if any boat or boats, between the twenty-fifth day of July and the twenty-fifth day of December, in passing and repassing within the limits of any of the aforesaid six several stems or stations, shall not keep within the distance of twenty fathoms from the shore as aforesaid, every person on board such boat shall forfeit and pay the sum of five shillings for every such offence. Penalty.

Penalty on other fishing boats anchoring within the limits of the six stems.

XLVII. And be it enacted, that no drift net boat, or other fishing boat or vessel other than and except the boats employed in the said pilchard fishery under this Act, shall, within the time between one hour before sunrise and one hour after sunset, on any day between the twenty-fifth day of July and the twenty-fifth day of December in any year, anchor within the limits of any of the six several stems or stations, unless at the distance of more than one thousand two hundred fathoms from the shore; and the master or other person having the care or ordering of any boat or vessel anchoring within the said limits aforesaid, contrary to the said Act, shall forfeit any sum not exceeding the sum of five pounds for every offence.

Penalty on fishing for hook fish &c. between 25th July and 25th December.

XLVIII. And be it enacted, that, from the said twenty-fifth day of July until the twenty-fifth day of December in any year no person shall fish for any hook fish, or throw or lay any boulter or ground tackle for taking fish, or make use of any trawling net, or any other net not belonging to and lawfully in use in the pilchard seyne fishery under this Act, within the distance of one thousand fathoms from the shore within the limits of any of the six several stems and stations in this Act mentioned; and that every person offending herein shall for every such offence forfeit any sum not exceeding the sum of ten pounds. Penalty.

A registrar to be appointed.

XLIX. And be it enacted, that it shall and may be lawful for the owners of boats and seynes employed in the said pilchard fishery to elect a registrar, for the purposes of this Act, at a meeting to be summoned in manner herein-after mentioned.

Mode of appointing or electing the registrar.

L. And be it enacted, that the mayor of the said borough of Saint Ives, whether interested in the said fishery or not, or in case of the death, absence, or disability of the said mayor or of any pending proceeding or dispute as to the validity of the election of the mayor, then any justice, whether interested in the said fishery or not, acting in and for the said borough, shall, within two months after the passing of this Act, and so often thereafter as occasion shall require, for any purpose by this Act authorized, on the requisition of any owner or owners of any boat and seyne employed in the said fishery, summon the owners of boats and seynes employed in the said pilchard fishery in the said bay of Saint Ives, to meet together at some place in the said borough of Saint Ives in such summons to be mentioned for that purpose, and some day or time in such summons to be mentioned, for the election of a registrar or other officer, or the removal of any registrar or other officer, or other person under this Act; and such summons shall be affixed to the town hall or the door of the church in the said borough, and shall be published in some public newspaper printed or circulated in the county of Cornwall, seven days at the least before the time appointed for such meeting; and at such meeting every election shall be made and every resolution and other matter shall be determined by the majority of the votes of the owners of boats and seynes present at such meeting; and at any meeting in the year one thousand eight hundred and forty-one every owner shall be entitled to one vote for each seyne he may have had registered under the said recited Act in the year one thousand eight hundred and forty, and this Act; in the year one thousand eight hundred and forty-two, and in every subsequent year, every owner shall be entitled to one vote for every seyne which he shall have had registered in the year then next preceding, under the provisions of this Act; and the partner in any company, concertship, or partnership who shall have so registered, if one partner only shall be present, or if two or more partners in such company, concertship, or partnership shall be present, then such two or more partners collectively, shall have and be entitled to one vote for each seyne which shall have been

registered as aforesaid, by or on account of such company, concertship, or partnership; and the votes shall be taken at such meeting by some person nominated by the said mayor or justice by whom the meeting shall have been summoned to receive the same; and the person taking such votes shall receive such sum of money for his trouble, not exceeding one pound, as the mayor or justice by whom such meeting shall have been summoned shall appoint, which sum shall be paid out of the fund herein-after mentioned; and the votes taken and the result thereof shall be returned to the mayor, or some justice acting as aforesaid, and verified by the declaration of the person taking such votes; and a certificate under the hand and seal of such mayor or justice, of the election of a registrar or other officer, or of the resolution of the said owners at such meeting, shall be evidence for all purposes that such meeting was duly summoned, and that the parties hereby authorized duly elected, voted, or resolved according to the terms of such certificate.

Majority of the owners of boats present at any meeting duly convened may appoint and remove officers, and fix salaries and make rates.

LI. And be it enacted, that it shall be lawful for the majority of the owners of boats and seynes present and voting at any such meeting as aforesaid to appoint and elect any registrar, and also any officers or persons whom they may think necessary to appoint for the purposes of this Act, and from time to time to remove and dismiss any registrar or other officer or person appointed or to be appointed under this Act, and to define the duties which such registrar, officers, and persons respectively shall perform under the authority of this Act, and to fix the salaries and remuneration of such registrar, officers, and persons, and to make rates on the owners of all boats and seynes employed in the said fishery, so nevertheless that the same rate shall be always chargeable in respect of every seyne which shall be registered, and that all such rates shall not exceed in any one year the sum of one pound for each such seyne, and to authorize the registrar to refuse to admit to registry any boat or seyne until it shall be shown that all rates under this Act shall have been paid, and to authorize such payments as may appear necessary for the purposes of this Act out of the fund herein-after mentioned.

For the recovery of rates, &c.

LII. And be it enacted, that all rates to be made as aforesaid may be recovered by distress, in the same manner as penalties or forfeitures under this Act, under the warrant of any justice, and shall be paid to the registrar or other person appointed by the owners of boats and seynes for the custody of the fund herein-after mentioned, and shall form a fund which shall be called the Saint Ives pilchard fishery fund, and such fund shall be applicable, under the orders of the owners of boats and seynes employed in the said fishery, meeting and voting as aforesaid, or their officer to be for that purpose authorized, to the payment of the expenses of the elections herein-before mentioned, and of the salaries and the other expenses of and connected with the execution of this Act.

An annual account to be made up and a copy thereof transmitted to the clerk of the peace.

LIII. And be it enacted, that the registrar to be appointed under this Act shall every year cause an annual account in abstract to be prepared, showing the total receipts and expenditure of all rates and funds levied or received by virtue of this Act for the year ending on the thirty-first day of March, or some other convenient day in each year, under the several distinct heads of receipt and expenditure, with a statement of the balance of such account duly audited and certified by the chairman of some meeting of the said owners of boats and seynes, and shall transmit a copy of the said account, free of charge, to the town clerk of the said borough of Saint Ives, on or before the first day of June; which account shall be open to the inspection of the public, at all seasonable hours, on payment of the sum of one shilling for every such inspection: Provided always, that if the said registrar shall omit to prepare or transmit such account as aforesaid he shall forfeit for every such omission any sum not exceeding the sum of twenty pounds.

Penalty.

Penalty on officers wilfully concealing offences, &c.

LIV. And be it enacted, that if any registrar, or other officer to be appointed under the authority of this Act, shall directly or indirectly receive any sum of money, bribe, gratuity, or reward to prevent, delay, or hinder any prosecution under this Act, or to abstain or forbear from performing or discharging his duty under this Act, or shall compound for or wilfully conceal any offence committed contrary to this Act, such registrar or other officer shall forfeit any sum not exceeding the sum of fifty pounds, and shall be forthwith dismissed from his office or employment, and be incapable of being re-elected thereto or reinstated therein.

Officers not to hold any shares in fishing boats, &c.

LV. And be it enacted, that no person who shall be elected and appointed a registrar or officer under this Act as aforesaid shall, upon any pretence whatsoever, either in his own name or in the name or names of any other person or persons in trust for him, have, hold, or enjoy any share or interest whatsoever in any boat or seyne employed in the pilchard fishery within the said bay of Saint Ives, nor act or be employed as a hewer or hewers, seyner or blowser, to any person concerned in the said pilchard fishery.

Power to make byelaws.

LVI. And be it enacted, that it shall be lawful for the owners of boats and seynes employed in the said pilchard fishery, assembled and voting at such meeting as herein-before mentioned, from time to time to make such byelaws for regulating the conduct and management of the said fishery, and for the government of the hewers, seyners, boatmen, and other persons employed in the said fishery, and for the government of the registrars, officers, and other persons appointed under the authority of this Act, as they shall think fit, and also to repeal or alter any such byelaws as they shall think fit, so as no such byelaws be contrary to the laws of England or the provisions of this Act, and so as the same be reduced into writing, and certified by the mayor of the said borough of Saint Ives, or some justice acting in and for the said borough, to have been duly passed at a meeting of owners of boats and seynes under the authority of this Act.

As to penalties to be imposed by byelaws.

LVII. And be it enacted, that it shall be lawful for the owners of boats and seynes employed in the said pilchard fishery, assembled and voting as aforesaid, by such byelaws, to impose such reasonable forfeitures and fines upon the hewers, seyners, boatmen, and other persons employed in the said fishery, and upon the registrars, officers, and other persons appointed under the authority of this Act, offending against the same byelaws, as they shall think fit, not exceeding five pounds for each offence: Provided always, that such byelaws shall be so framed as to allow the justices, before whom any penalty imposed thereby may be sought to be recovered, to order the whole or a part only of such penalty to be paid.

Penalty.

Publication of penalties.

LVIII. And for the purpose of providing for the due publication of all penalties and forfeitures exigible under this Act, or any byelaw made by virtue thereof, affecting any other persons other than the owners of boats and seynes employed in the said pilchard fishery, or any persons employed by them; be it enacted, that from time to time such owners of boats and seynes shall publish the short particulars of the several offences for which any such penalty is imposed by this Act, and of the amount of every such penalty, and shall cause such particulars to be painted on a board, or printed upon paper and pasted thereon, and shall cause such board to be hung up or affixed on some conspicuous part of the registrar's office, or other the principal place of business of the said owners of boats and seynes employed in the said fishery, and where any such penalties are of local application shall cause such boards to be affixed in some conspicuous place in the said borough of Saint Ives, or the immediate neighbourhood to which such penalties are applicable or have reference; and such particulars shall be renewed as often as the same or any part thereof are obliterated or destroyed; and no such penalty shall be recoverable unless it shall have been published and kept published in the manner herein-before required.

Defacing boards used for the publication of byelaws or penalties.

LIX. And be it enacted, that if any person pull down or break or deface any such board put up or affixed as required by this Act, for the purpose of publishing any byelaw or penalty, or shall obliterate any of the letters or figures thereon, he shall forfeit for every such offence a sum not exceeding five pounds; and he shall also defray the expenses attending the restoration of such board; and such expenses shall be recoverable as any penalty by this Act imposed may be recovered.

Penalties to be summarily recovered before one or more justices.

LX. And for the purpose of providing for the recovery of penalties or forfeitures imposed by this Act, or by any byelaw made in pursuance thereof, the recovery of which is not otherwise provided for, be it enacted, that every such penalty or forfeiture may be recovered by summary proceeding upon complaint made before one or more justice or justices, who shall not be interested in such penalty or forfeiture; and on the complaint being made to any such justice he shall issue a summons requiring the party complained against to appear on a day and at a time and place to be named in such summons; and every such summons shall be served on the party offending, either in person, or by leaving the same with some inmate at his usual place of abode; and either upon the appearance or upon the default to appear of the party offending it shall be lawful for any one or more justice or justices, who shall not be interested in such penalty or forfeiture, to proceed to the hearing of the complaint, and that although no information in writing or in print shall have been exhibited before them; and upon proof of the offence, either by the confession of the party complained against, or upon the oath of one credible witness or more, it shall be lawful for any one or more justice or justices, who shall not be interested in such penalty or forfeiture, to convict the offender, and upon such conviction to adjudge the offender to pay the penalty or forfeiture in-

curred, as well as such costs attending the conviction as such justice or justices shall think fit.

Penalties may be levied by distress.

LXI. And be it enacted, that if forthwith upon any such adjudication as aforesaid the amount of the penalty or forfeiture, and of such costs as aforesaid, be not paid, the amount of such penalty and costs, together with the cost of the distress, shall be levied by distress, and any one or more justice or justices shall issue their warrant of distress accordingly.

Imprisonment in default of distress.

LXII. And be it enacted, that it shall be lawful for the justice or justices to order any offender so convicted as aforesaid to be detained and kept in safe custody until return can be conveniently made to the warrant of distress to be issued for levying such penalty or forfeiture and costs, unless the offender give such sufficient security, by way of recognizance or otherwise, to the satisfaction of the justice or justices, for his appearance before him or them on the day appointed for such return, such day not being more than eight days from the time of taking such security; but if before issuing such warrant of distress it shall appear to the justice or justices, by the admission of the offender or on other proof, that no sufficient distress can be had whereon to levy such penalty or forfeiture and costs, such justice or justices may, if they or he shall think fit, refrain from issuing such warrant of distress, and in such case, or if such warrant shall have been issued, and upon the return thereof such insufficiency as aforesaid shall be made to appear to the justice or justices, then such justice or justices shall, by warrant, cause such offender to be committed to gaol, there to remain without bail for any term not exceeding three months, unless such penalty or forfeiture and costs be sooner paid and satisfied.

Transient offenders.

LXIII. And with respect to offenders whose names and residences are not known, be it enacted, that any officer or agent of the said owner of boats and seynes employed in the said fishery, and all persons called by him to his assistance, may seize and detain any person who shall have committed any offence against the provisions of this Act, and whose name and residence shall be unknown to such officer or agent, and may convey him with all convenient despatch before some justice, without any warrant or other authority than this Act, and such justice shall proceed with all convenient despatch to the hearing and determining of the complaint against such offender.

Application of penalties.

LXIV. And with respect to the application of any penalties or forfeiture recovered by virtue of this Act, the application whereof is not herein otherwise provided for, be it enacted, that the justice by whom any such penalty or forfeiture shall be imposed shall award one half thereof to the Saint Ives pilchard fishery fund under this Act, and the other half thereof to the informer or any person suing for the same.

Complaints to be made within a limited time.

LXV. And be it enacted, that no person shall be liable to the payment of any penalty or forfeiture imposed by virtue of this Act for any offence herein-before made cognizable before a justice, unless the complaint respecting such offence shall have been made before such justice within two months next after the commission of such offence.

Penalty for nonattendance of witnesses.

LXVI. And be it enacted, that if any person who shall be summoned as a witness before any justice touching any offence committed against this Act shall, without reasonable excuse, refuse or neglect to appear at the time and place appointed for that purpose, having been paid or tendered a reasonable sum for his expenses; or if any person appearing shall refuse to be examined upon oath, or to give evidence, before such justice, every such person shall forfeit a sum not exceeding twenty pounds for every such offence.

Prescribing the form of conviction.

LXVII. And be it enacted, that the justices before whom any person shall be convicted of any offence against this Act may cause the conviction to be drawn up according to the form in the schedule to this Act annexed.

Informalities.

LXVIII. And be it enacted, that no proceeding in pursuance of this Act shall be quashed or vacated for want of form, nor shall the same be removed by certiorari or otherwise into any of the superior courts.

Distresses to be sold, and overplus returned.

LXIX. And be it enacted, that where in this Act any sum of money, whether in the nature of penalty or otherwise, is directed to be levied by distress, such sum of money shall be levied by distress and sale of the goods and chattels of the party liable to pay the same; and the overplus arising from the sale of such goods and chattels, after satisfying such sum of money, and the expense of the distress and sale, shall be returned, on demand, to the party whose goods shall have been distrained.

Distress not unlawful for want of form.

LXX. And be it enacted, that no distress levied by virtue of this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, warrant of distress, or other proceeding relating thereto, nor shall such party be deemed a trespasser ab initio on account of any irregularity afterwards committed by him, but all persons aggrieved by such defect or irregularity may recover full satisfaction of the special damage in an action upon the case.

Parties aggrieved may appeal.

LXXI. And be it enacted, that if any person shall think himself aggrieved by any determination or adjudication of any justice, under the provisions of this Act, he may appeal to the general quarter sessions for the county of Cornwall, but no such appeal shall be entertained unless it be made within four calendar months next after the making of such determination or adjudication, and unless ten days notice in writing of such appeal, stating the nature and grounds thereof, be given to the party against whom the appeal shall be brought, and unless the appellant forthwith after such notice enter into recognizances, with two sufficient sureties, before a justice, conditioned duly to prosecute such appeal, and to abide the order of the court therein.

Court of quarter sessions to make such order on appeal as they shall think reasonable.

LXXII. And be it enacted, that at the quarter sessions for which such notice shall be given, the court shall proceed to hear and determine the appeal in a summary way, or they may, if they think fit, adjourn it to the following sessions; and upon the hearing of such appeal the court may, if they think fit, mitigate any penalty or forfeiture, or they may confirm or quash the adjudication, and order any money paid by the appellant, or levied by distress upon his goods, to be returned to him, and may also order such further satisfaction to be made to the party injured as they may judge reasonable, and they may make such order concerning the costs, both of the adjudication and of the appeal, as they may think reasonable.

When a forfeiture is directed to go to the owner of any boat, the owner of a boat not interested in the boat in respect of which the forfeiture is incurred, is meant.

LXXIII. Provided always, and be it enacted, that where under this Act any fish taken by a seyne shot out of any boat in violation of the provisions herein contained is declared to be forfeited to the owner or owners of any other boat, or where, by reason of the violation of the provisions of this Act by any boat, any forfeiture whatever is declared to or for the benefit of the owner or owners of any other boat, and it shall happen that the owner or owners of the boat which, under the provisions herein-before contained, would be entitled to the benefit of such forfeiture, or any one or more of such owners, shall be also the owner or owners, solely, or jointly, or in common with others, of the boat in respect of which the forfeiture shall have been incurred, or shall be engaged in any concertship according to the usage of the said fishery, or in any other partnership or communion in the advantages of the fishery or of the fish taken in the same season, with the owner or owners or with any of the owners of the boat in respect of which such forfeiture shall have been incurred, then and in every such case the benefit and advantage of such forfeiture shall devolve upon and belong to the owner or owners of the boat and seyne entitled to the first subsequent stem or turn on the same stem or station on which the boat to the owner or owners of which the benefit or advantage of such forfeiture would, but for this present provision, have accrued, shall then hold turn, other than and excluding every boat and seyne which shall belong wholly or in part to the owner or any of the owners of the boat in respect of which the forfeiture shall have been incurred, or to any person or persons engaged in any such concertship, partnership, or communion with the owner or owners, or with any of the owners of the boat in respect of which such forfeiture shall have been incurred.

Interpretation clause.

LXXIV. And be it enacted, that in this Act the following words and expressions shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; that is to say,

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number:

Words importing the masculine gender only shall include females:

The word "month" shall mean calendar month:

The word "person" shall include corporation, whether aggregate or sole:

The word "hewer" shall include and apply to any person who shall act as hewer for the time being, and the term "master seyner" shall include and apply to any person who shall act as master seyner for the time being:

The word "oath" shall include affirmation in the case of Quakers, or other declaration or solemnity lawfully substituted for an oath in case of any other persons exempted by law from the necessity of taking an oath:

The word "justice" shall mean justice of the peace for the said borough of Saint Ives or for the county of Cornwall, and shall also extend to and include the mayor of the said borough of Saint Ives:

The word "registrar" shall extend and apply to any officer to whom the duties by this Act imposed on the registrar, or the duties by the said recited Act imposed on the registrar or clerk, or any of such duties, shall be assigned by a meeting of boat and seyne owners under this Act.

As to the payment of the expenses of this Act.

LXXV. And be it enacted, that all the costs, charges, and expenses of and incident to the obtaining and passing of this Act, and of carrying the same into effect, shall be defrayed and paid by the partnerships or companies concerned in the said pilchard fishery out of the monies received or to be received by them under the authority of this Act, in preference to any other payment.

Public Act.

LXXVI. And be it enacted, that this Act shall be a public Act, and shall be judicially taken notice of as such.

The SCHEDULE to which the foregoing Act refers.

FORM OF CONVICTION.

Be it remembered, that on the day to wit. } of in the year of our Lord *A.B.* is convicted before me, *C.D.* one of Her Majesty's justices of the peace for the county or borough of [*as the case may be*] *L.* [*here describe the offence generally, and the time, place, when and where committed,*] contrary to the Saint Ives Pilchard Fishery Regulation Act, passed in the fourth year of the reign of Her Majesty Queen Victoria. Given under my hand and seal the day and year first above written.

No. 36.

6 & 7 VICT. CAP. LXXIX.

AN ACT to carry into effect a Convention between Her Majesty and the King of the French concerning the Fisheries in the Seas between the British Islands and France. [22nd August 1843.]

WHEREAS a Convention was concluded between Her Majesty and the King of the French on the second day of August in the year one thousand eight hundred and thirty-nine, defining the limits of the oyster fishery between the island of Jersey and the neighbouring coast of France, and also defining the limits of the exclusive right of fishery on all other parts of the coasts of the British islands and France: And whereas by the eleventh article of the said Convention it is stipulated and agreed, that "with a view to prevent the collisions which now from time to time take place on the seas lying between the coasts of Great Britain and of France between the trawlers and the line and long net fishers of the two countries, the high contracting parties agree to appoint, within two months after the exchange of the ratifications of the present Convention, a commission, consisting of an equal number of individuals of each nation, who shall prepare a set of regulations for the guidance of the fishermen of the two countries in the seas above mentioned; the regulations so drawn up shall be submitted by the said commissioners to the two governments respectively for approval and confirmation; and the high contracting parties engage to propose to the legislatures of their respective countries such measures as may be necessary for the purpose of carrying into effect the regulations which may be thus approved and confirmed:" And whereas pursuant to the said Convention, commissioners duly appointed and authorized by Her Majesty and His Majesty the King of the French respectively have agreed upon certain articles set forth in the schedule annexed to this Act for the guidance of the fishermen of the two countries in the seas lying between the coasts of the United Kingdom of Great Britain and Ireland and those of the Kingdom of France, which articles, in further fulfilment of the said Convention, have been approved and confirmed on the part of Her Majesty by one of Her Majesty's principal secretaries of state, and on the part of His Majesty the King of the French by the ambassador extraordinary of His said Majesty to the Court of London: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that the said articles shall be binding on all persons, and shall have the force of law, as fully as if they were herein severally and specially enacted.

Confirmation of articles.

Amendment of 13 & 14 Car. 2. c. 28.

II. And whereas by the said Convention and articles French fishermen are forbidden to fish in the seas between the British islands and France within the distance of three miles from low-water mark, as defined in the said Convention and articles, but are not forbidden to fish anywhere beyond the said distance of three miles: And whereas by an Act passed in the reign of King Charles the Second, intituled "An Act for the Regulation of the Pilchard Fishery in the "Counties of Devon and Cornwall," the taking of fish in the manner therein mentioned is forbidden, unless it be at the distance of one league and a half at least from the shores of Devon and Cornwall respectively: Be it enacted, that after the passing of this Act the said Act of the reign of King Charles the Second shall be construed as if instead of the distance of one league and a half the distance specified in the said Convention and articles had been therein inserted and specified as the distance within which such taking of fish as is therein mentioned is forbidden, that is to say, the distance of three geographical miles (of which sixty make a degree of latitude), which distance shall be reckoned from low-water mark, except in bays the mouths of which do not exceed ten such geographical miles in width, and for such bays shall be reckoned from a straight line drawn from low-water mark off one headland to low-water mark off the other headland of such bays respectively.

For enforcing Convention and articles.

III. And be it enacted, that it shall be lawful for the lords of the committee of Her Majesty's privy council appointed for trade and foreign plantations, if and when they shall think fit, to appoint so many persons as they shall think necessary to ensure the due execution of the said Convention and articles, and it shall be lawful for every person so authorized, at all reasonable times, upon producing his authority, if required, to board or enter upon and examine every British vessel, and to examine the nets, instruments, and implements of fishing thereunto belonging or used therewith; and if any of the said nets, instruments, or implements of fishing shall be found in contravention of the said Convention and articles they shall be forfeited to Her Majesty, and the person in whose possession the same shall be found shall, on conviction, be liable to a penalty of not less than eight shillings or more than three pounds or to be imprisoned, with or without hard labour, for any time not less than two days and not longer than ten days, or if convicted more than once of having such unlawful nets, instruments, or implements in his possession, shall be liable to a penalty not more than six pounds, or to be imprisoned, with or without hard labour, for any time not longer than twenty days.

Board of trade empowered to make byelaws for protection of fisheries.

IV. And be it enacted, that it shall be lawful for the lords of the committee of Her Majesty's privy council appointed for trade and foreign plantations, from time to time as may become necessary, to make and ordain such rules and byelaws as to them shall seem expedient for the more effectual performance of the said Convention and articles, and from time to time to annul or alter the same, and substitute others instead thereof; and it shall be lawful for the lords of the said committee to impose any penalty not exceeding five pounds in all cases where any penalty is not fixed by this Act or by the said articles for any breach of the said rules and byelaws, and to direct that all nets, instruments, or implements of fishing whatsoever used contrary to any of such rules and byelaws shall be forfeited, destroyed, or removed, as the case may require; provided always, that all such rules and byelaws shall be approved by Her Majesty, with the advice of Her privy council, and all the said rules and byelaws, when so approved and confirmed, and until annulled or altered by the like authority, shall be binding on all persons as if the same had been herein enacted.

Publication of byelaws.

V. And be it enacted, that the said rules and byelaws, when approved as aforesaid, shall be printed, and a copy of the same shall be deposited with the clerk of the peace for each county adjoining the seas in which such rules and byelaws are proposed to be enforced, and in the islands of Guernsey, Jersey, Sark, Alderney, and Man, and with all the collectors of the customs, and coastguard officers at the different stations, and in such and so many places as to the lords of the said committee shall seem fit; and printed

copies of the said rules and byelaws shall be provided by the lords of the said committee, and sold at a price not exceeding one shilling for each copy; and notice, both of the publication of the same, and the place or places where the same may be bought, shall be given for three calendar months subsequent to the publication thereof in such of the metropolitan and provincial newspapers as the lords of the said committee shall appoint; and for the purpose of convicting any person offending against the said rules and byelaws, a printed copy of such rules and byelaws obtained from the office of any clerk of the peace with whom the same may be lodged, and certified by him to be a true copy thereof, shall be taken as evidence of such rules and byelaws, and the due publication thereof.

Articles may be suspended in Ireland while there is no mixed fishery there. 5 & 6 Vict. c. 106.

VI. And whereas an Act was passed in the last session of parliament, intituled "An Act to regulate the Irish Fisheries," and it is not expedient to interfere with the provisions of the said Act further than is necessary for giving full effect to the said Convention and articles: Be it enacted, that it shall be lawful for the lords of the said committee, by a rule or rules to be made by them from time to time, and approved of by Her Majesty with the advice of Her privy council, to suspend the operation of the said articles and of this Act, or such part of them as to them shall seem fit, with respect to the fisheries on the coast of Ireland, or on any part thereof, so long as such fisheries shall be carried on exclusively by the subjects of Her Majesty, and also, with the like approval, to make such byelaws as to them shall seem fit for enforcing the said articles and this Act, on the said coast of Ireland, or on any part thereof, as soon as the same shall be frequented for the purpose of fishery by French fishermen.

Rules and byelaws to be laid before parliament.

VII. And be it enacted, that all rules and byelaws made by the lords of the said committee in pursuance of this Act shall be laid before parliament within six weeks next after the approval thereof by Her Majesty, if parliament be then sitting, or if not, then within six weeks next after the next meeting of parliament.

Repeal of part of 5 & 6 Vict. c. 106.

VIII. And be it enacted, that so much of the last-recited Act as provides that the commissioners of public works in Ireland shall divide the coast of Ireland into districts, for the purpose of keeping a registry of all vessels engaged in fishing on the said coast, shall be repealed; and that the several collectorships of customs on the coast of Ireland shall be substituted for the districts established under the authority of the said Act; and that the numbers, marks, and letters by which all British vessels engaged in fishing between the coasts of the United Kingdom and France shall be distinguished shall be in conformity with the said Convention and articles; and the registry of all such vessels shall be kept under the superintendence of the commissioners of Her Majesty's customs, and in conformity with the said Convention and articles.

Officers and men of Her Majesty's [illegible] powered to enforce the provisions of this Act.

IX. And be it enacted, that it shall be lawful for such officers and petty officers belonging to Her Majesty's navy or revenue service, and for such officers and men of the coastguard stations as shall be thereunto authorized by the commissioners of Her Majesty's customs, and such persons as shall be appointed as aforesaid by the lords of the said committee, subject to such directions as the lords of the said committee shall from time to time think fit to prescribe to go on board any British vessel employed in fishing, and examine the certificate of registry, and nets, instruments, and implements of fishing belonging to or used with such vessel, and whether the regulations of this Act have been complied with, and whether the master or other persons on board such vessel are carrying on the said fishery in the manner hereby required, and to seize any nets, instruments, or implements of fishing which are illegal or used contrary to the provisions of this Act, or any of the rules or byelaws made by the lords of the said committee; and it shall be lawful for the officers and men employed in Her Majesty's navy or revenue service, and in the coastguard service, and such other persons as shall be appointed for that purpose by the lords of the said committee, to execute for the purposes of this Act, on sea or on land, the warrants of any justice or justices of the peace as fully as any person authorized to execute warrants of any justice of the peace may now execute the same on land within their respective districts, and also to do all such other acts on sea or land, in relation to the preservation of the peace among persons engaged in fishing, and the enforcement of the provisions of this Act, as any constable may lawfully do within the limits of his jurisdiction.

Penalty for obstructing persons on duty.

X. And be it enacted, that every person assaulting, resisting, or wilfully obstructing any other person, duly authorized under the provisions of this Act to enforce the execution of the said articles, in the performance of his duty, on conviction before any magistrate or justice of the peace by the oath of any credible witness, or upon his own confession, shall be liable to a penalty not more than five pounds, or may be imprisoned, with or without hard labour, for any time not longer than twenty-one days.

Who shall have cognizance of offences by British subjects.

XI. And be it enacted, that all offences against the said articles, or against any rule or byelaw made in pursuance of this Act, committed by any of Her Majesty's subjects may be heard and determined upon the oath of any credible witness or witnesses, or upon the confession of the party accused, by any magistrate or justice of the peace having jurisdiction in the county or place in which or in the waters adjacent to which the offence shall be committed or to which the offender shall be brought; and every such magistrate or justice of the peace shall have power to award the penalties provided by the said articles, or by any such rule or byelaw respectively, for the offence of which the offender shall be convicted; and whenever any pecuniary penalty and forfeiture shall be imposed on any such offender, and shall not be forthwith paid, with the reasonable costs and charges attending the conviction, the same shall be levied by distress and sale of the goods of the offender by warrant under the hand and seal of such magistrate or justice of the peace.

Who shall have cognizance of offences by French subjects within the British fishery limits.

XII. And be it enacted, that all offences against the said articles, or against any rule or byelaw made in pursuance of this Act, committed by any subject of the King of the French, or any person serving on board any French fishing boat or vessel, within the limits within which the general right of fishery is by the said articles exclusively reserved to the subjects of Her Majesty, may be heard and determined upon the oath of any credible witness or witnesses, or upon the confession of the party accused, by any magistrate or justice of the peace having jurisdiction in the county or place in which or in the waters adjacent to which the offence shall have been committed or to which the offender shall be brought; and the offender, upon conviction, shall pay such penalty not exceeding ten pounds as the magistrate or justice of the peace shall award, or instead of awarding a pecuniary penalty, and also in case of the nonpayment of any pecuniary penalty awarded, it shall be lawful for the magistrate or justice of the peace to order that the vessel to which the offender belongs shall be detained for any period not exceeding three calendar months.

Proceedings in case of offences by French subjects beyond the British fishery limits.

XIII. And be it enacted, that whenever any subject of the King of the French or any person serving on board any French fishing boat or vessel, charged with any transgression against the said Convention and articles, shall be brought into any British port pursuant to the sixty-fifth article, in order that the offence may be duly established, it shall be lawful for the person by whom such supposed offender shall be so brought, or for any person acting under his authority, to take such supposed offender forthwith before a magistrate or justice of the peace, and all constables and peace officers and others shall be required, if necessary, to give their assistance for that purpose; and it shall be lawful for the magistrate or justice of the peace before whom any such supposed offender shall be brought to inquire by all lawful ways and means into the case; and a copy of the depositions, minutes of proceedings, and all other documents concerning the transgression shall be authenticated under the hand of the collector of customs, and shall be sent by him to the British consular agent residing in the port to which the offender's boat or vessel belongs.

Compensation for damage.

XIV. And be it enacted, that in all cases where the breach of any of the said articles, or of any such rules or byelaws, by any of the subjects of the King of the French, within the limits within which the general right of fishery is by the said articles exclusively reserved to the subjects of Her Majesty, or by any of Her Majesty's subjects, whether or not within the said limits, shall have caused any loss or damage to any other party or parties, it shall be lawful for any magistrate or justice of the peace before whom the offence shall be inquired into to take evidence of such loss or damage, and to award compensation to the injured party, and to enforce payment of such compensation, in like manner as the payment of any pecuniary penalty for any offence against the said articles may be enforced.

Salvage for boats, &c. picked up at sea.

XV. And be it enacted, that whenever any fishing boat, rigging, gear, or any other appurtenance of any fishing boat, or any net, buoy, float, or other fishing implement, shall have been found or picked up at sea and brought into a British port, and shall not be forthwith delivered to the collector of customs, pursuant to the sixty-first article, it shall be lawful for any magistrate or justice of the peace, on application of the said collector, to issue his warrant for delivering of the said articles to such collector, who shall take possession of the same, and deliver the same to the owner thereof or his representative, on payment to him, for behoof of the salvors, of such compensation as the said collector shall award pursuant to the sixty-second article.

Conviction not to be quashed for want of form.

XVI. And be it enacted, that no conviction under this Act shall be quashed, set aside, or adjudged void or insufficient for want of form only, or liable to be removed, by

certiorari or otherwise, into Her Majesty's court of Queen's bench, or any other of Her Majesty's courts of record, but every such conviction shall be final to all intents and purposes unless the same shall be reversed on appeal as herein-after provided: Provided always, that no person shall be convicted of any offence committed against the provisions of this Act unless the prosecution for the same shall be commenced within three calendar months from the time of the commission of such offence.

Appeal.

XVII. And be it enacted, that in any case of a summary conviction before any magistrate or justice of the peace, any person who shall think himself aggrieved by the conviction may appeal to the court of general or quarter sessions of the peace to be next holden for the county or place wherein the cause of complaint shall have arisen, if such court shall not be holden within twenty-one days next after such conviction, otherwise to the next court but one, provided that such person at the time of the conviction, or within forty-eight hours thereafter, shall enter into a recognizance, with two sufficient securities conditioned personally to appear at the said session, to try such appeal, and to abide the further judgment of the court at such session, and to pay such costs as shall be by the last-mentioned court awarded; and it shall be lawful for the magistrate or justice of the peace by whom such conviction shall have been made to bind over the witnesses who shall have been examined in sufficient recognizances to attend and be examined at the hearing of such appeal, and that every such witness, on producing a certificate of his being so bound, under the hand of the said magistrate or justice of the peace, shall be allowed compensation for his time, trouble, and expenses in attending the appeal, which compensation shall be paid, in the first instance, by the treasurer of the county or borough, in like manner as in cases of misdemeanor, under the provisions of an Act passed in the seventh year of the reign of King George the Fourth, intituled "An Act for improving the Administration of "Criminal Justice in England;" and in case the appeal shall be dismissed, and the conviction affirmed, the reasonable expenses of all such witnesses attending as aforesaid, to be ascertained by the court, shall be repaid to the treasurer of the county or borough by the appellant.

7 G. 4. c. 64.

Meaning of "British vessel," &c.

XVIII. And be it enacted, that in this Act the words "British vessel" shall be construed to mean every British or Irish fishing vessel or fishing boat, and also every fishing vessel or fishing boat belonging to any of the islands of Guernsey, Jersey, Sark, Alderney, or Man, or any island thereunto belonging, and the words "British port" shall be construed to mean any port of Great Britain or Ireland, or of any of the said islands.

Act may be amended this Session.

XIX. And be it enacted, that this Act may be amended or repealed by any Act to be passed in this session of parliament.

SCHEDULE to which the foregoing Act refers.

Regulations for the guidance of the fishermen of Great Britain and of France, in the seas lying between the coasts of the two countries; prepared in pursuance of the provisions of the eleventh article of the Convention concluded at Paris on the 2d of August 1839 between Her Majesty and the King of the French.

DECLARATION.

The undersigned, Her Britannic Majesty's principal secretary of state for foreign affairs on the one part, and the ambassador extraordinary of His Majesty the King of the French at the court of London on the other part, having examined the annexed regulations for the guidance of the fishermen of Great Britain and of France in the seas lying between the coasts of the two countries, which regulations have been prepared, in pursuance of the provisions of the eleventh article of the Convention concluded at Paris on the 2d of August 1839 between Her Britannic Majesty and His Majesty the King of the French, by the two commissioners duly authorized to that effect by their said Majesties, have, in the name and on the behalf of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and of His Majesty the King of the French, and by virtue of their respective full powers, approved and confirmed, and do by these presents approve and confirm, the said regulations; reserving to their respective governments, conformably to the terms of the above-mentioned article, to propose, if necessary, to the legislatures of both countries the measures which may be required for carrying the said regulations into execution.

In witness whereof the undersigned have signed the present declaration, and have affixed thereto the seals of their arms.

Done at London, the twenty-third day of June in the year of our Lord one thousand eight hundred and forty-three.

(L.S.) ABERDEEN.
(L.S.) STE. AULAIRE.

The undersigned, namely,—

On the part of the United Kingdom of Great Britain and Ireland, Anthony Perrier, esquire, Her Britannic Majesty's consul for the departments of Finistère, Morbihan, and Côtes du Nord in France;

And on the part of the Kingdom of France, François Lange, knight of the royal order of the legion of honour and commissary of marine of the first class;

Duly appointed and authorized by their respective governments to act as commissioners for the purpose of preparing a set of regulations for the guidance of the fishermen of the two countries, in the seas lying between the coasts of the United Kingdom and those of the Kingdom of France, in conformity with article XI. of the Convention between Great Britain and France, signed at Paris on the 2d August 1839.

Have agreed upon the following articles, which they submit to their respective governments for approval and confirmation:—

Article I.—British and French subjects fishing in the seas lying between the coasts of the United Kingdom of Great Britain and Ireland and those of the Kingdom of France shall conform to the following regulations.

Article II.—The limits within which the general right of fishery is exclusively reserved to the subjects of the two kingdoms respectively are fixed (with the exception of those in Granville Bay) at three miles distance from low-water mark.

With respect to bays, the mouths of which do not exceed ten miles in width, the three mile distance is measured from a straight line drawn from headland to headland.

Article III.—The miles mentioned in the present regulations are geographical miles, of which sixty make a degree of latitude.

Article IV.—The fishery limits of Granville Bay, established upon special principles, are defined in the first article of the Convention of the second of August one thousand eight hundred and thirty-nine, as follow:

The lines drawn between the points designated by the letters A., B., C., D., E., F., G., H., I., K., on the chart annexed to the Convention are acknowledged as defining the limits between which and the French shore the oyster fishery shall be reserved exclusively to French subjects; and these lines are as follow; that is to say:—

The first line runs from the point A., three miles from low-water mark (Point Meinga bearing south), to the point B., of which the land-marks are Agon tower on with the clump of trees upon Mount Huchon, and the summit of Gros Mont in a line with the signal post on Grand Isle.

The second line runs from the said point B., towards Agon tower and the clump of trees upon Mount Huchon in the direction north, sixty-four degrees east, until at the point C. it brings the windmill of Lingreville to bear due east.

The third line runs from point C., due east towards Lingreville windmill until the Grand Huguenant is brought to bear on the Etat rock at point D.

The fourth line runs from point D. northward, and keeping the Grand Huguenant in one with the Etat rock, until it intersects at E. a line whose land-marks are Agon tower on with Coustances cathedral.

The fifth line runs eastward from point E. to point F., where the steeple of Pirou is brought to bear in a line with the Senequet rock.

The sixth line runs from point F., due north, to point G., where the steeple of Blainville is brought in a line with the Senequet rock.

The seventh line runs from point G. (in the direction of Pirou steeple) to point H., where the lighthouse on Cape Carteret bears north, twenty-four degrees west.

The eighth line runs from point H. to point I. nearly abreast of Port Bail; point I. having for land-marks the fort of Port Bail in a line with the steeple of Port Bail.

And finally, the ninth line runs from point I. to the Three Grunes at point K., where Cape Carteret bears east, ten degrees north, in a line with Barneville church.

All the bearings specified in the present article

are to be taken according to the true meridian, and not according to the magnetic meridian.

Article V.—It is forbidden to British fishermen to set their nets or to fish in any manner whatsoever within the French limits; and it is equally forbidden to French fishermen to set their nets or to fish in any manner whatsoever within the British limits.

Article VI.—All British and French fishing boats shall be numbered.

There shall be a series of numbers for the fishing boats belonging to each collectorship of customs in the United Kingdom, and a series of numbers for the fishing boats belonging to each district of maritime registry in France; and to these numbers shall be prefixed the initial letters of the names of the respective collectorships or districts.

Article VII.—Whereas there are in the United Kingdom several collectorships of customs, and in France several districts of maritime registry, the names of which begin with the same letter, in which case the initial letter alone would not suffice; the distinguishing letter or letters for the boats of each collectorship or district shall be designated by the board of customs in the United Kingdom, and by the ministry of marine in France.

Article VIII.—The letters and numbers shall be placed on each bow of the boat, three or four inches (eight or ten centimètres French) below the gunnel, and they shall be painted in white oil colour on a black ground.

For boats of fifteen tons burthen and upwards, the dimensions of these letters and numbers shall be eighteen inches (forty-five centimètres French) in height, and two and a half inches (six centimètres French) in breadth.

For boats of less than fifteen tons burthen, the dimensions shall be ten inches (twenty-five centimètres French) in height, and one and three quarter inch (four centimètres French) in breadth.

The same letters and numbers shall also be painted on each side of the main sail of the boat in black oil colour on white sails, and in white oil colour on tanned or black sails.

These letters and numbers on the sails shall be one third larger in every way than those placed on the bows of the boat.

Article IX.—In order that the fishing boats of Jersey, Guernsey, and other islands of the same cluster may be distinguished from the fishing boats of the other British islands, their numbers shall precede the initial letter of the name of the island to which such boats may belong.

Each of these islands shall have a separate series of numbers.

Article X.—All the buoys, barrels, and principal floats of each net, and all other implements of fishery, shall be marked with the same letters and numbers as those of the boats to which they belong.

These letters and numbers shall be large enough to be easily distinguished. The owners of nets or other fishing implements may further distinguish them by any private marks they judge proper.

Article XI.—The letters and numbers of British fishing boats shall be inserted on the licences of those boats, after having been entered in the registry book kept at the collectorship of customs.

The letters and numbers of French fishing boats shall be inserted on the muster rolls of those boats, after being entered in the registry book at the maritime registry office.

Article XII.—The licences of British fishing boats and the muster rolls of French fishing boats shall contain the description and tonnage of each boat, as well as the names of its owner and of its master.

Article XIII.—The fishermen of both countries shall, when required, exhibit their licences or muster rolls to the commanders of the fishing cruisers, and to all other persons of either country, appointed to superintend the fisheries.

Article XIV.—The name of each fishing boat, and that of the port to which she belongs, shall be painted in white oil colour on a black ground on the stern of the said boat, in letters which shall be at least three inches (eight centimètres French) in height, and half an inch (twelve millimètres French) in breadth.

Article XV.—It is forbidden to efface, cover, or conceal, in any manner whatsoever, the letters, numbers, and names placed on the boats and on their sails.

Article XVI.—Trawl fishing may be carried on during all seasons in the seas lying between the fishery limits which have been fixed for the two countries.

Article XVII.—Trawls shall be made with nets, the meshes of which shall be at least one inch and three quarters (forty-five millimètres French) square, from knot to knot, along the line.

Article XVIII.—The length of the wooden yard or beam to which the upper part of the mouth of each trawl-net shall be fastened, shall not exceed thirty-eight feet (eleven mètres five hundred millimètres French).

Article XIX.—The under part of the trawl-net, to a length of ten feet (three mètres French) from its extremity, may be strengthened by rubbing pieces made of old nets; but these rubbing pieces shall be so fastened that they shall not cross or narrow the meshes of the trawl-net, which must always remain at least one inch and three quarters (forty-five millimètres French) from knot to knot, along the line, open and unobstructed.

Article XX.—The size of the meshes of any supplementary nets which may be added to trawls shall be at least two inches (fifty millimètres French) square, from knot to knot along the line.

Article XXI.—Such supplementary nets shall be so fitted as not to cross or narrow the meshes of the trawl-net, which must always remain at least one inch and three quarters (forty-five millimètres French) from knot to knot, along the line, open and unobstructed.

Article XXII.—The total weight of the two irons or head-pieces of a trawl shall not exceed two hundred and eighty-seven pounds (one hundred and thirty kilogrammes French).

Article XXIII.—The total weight of iron chains or leads used for loading the ground rope of a trawl shall not exceed one hundred and ten pounds (fifty kilogrammes French).

Article XXIV.—Trawl fishing is forbidden in all places where there are boats engaged in herring or mackerel drift-net fishing.

Article XXV.—Trawl boats shall always keep at a distance of at least three miles from all boats fishing for herrings or mackerel with drift-nets.

Article XXVI.—Whenever herring or mackerel boats shall commence drift-net fishing in any place whatever, the trawl boats which may be already fishing in such place shall depart therefrom, and shall keep at a distance of at least three miles from the said drift-net herring or mackerel boats.

Article XXVII.—Herring fishing is free all the year round.

Article XXVIII.—The meshes of all nets used for herring fishing shall not be less than one inch (twenty-five millimètres French) square, from knot to knot, along the line.

Article XXIX.—Whenever decked herring boats and undecked herring boats shall commence shooting their nets at the same time, the undecked boats shall shoot their nets to windward of the decked boats, except they should prefer going to leeward, to a distance of at least half a mile, to shoot their nets.

Article XXX.—The decked boats on their part shall shoot their nets to leeward of the undecked boats, unless they prefer going to windward, to a distance of at least half a mile, to shoot their nets.

Article XXXI.—When decked boats shall arrive on grounds where fishing is already begun by other boats, amongst which shall be undecked boats, the decked boats so arriving shall shoot their nets to leeward of the undecked boats, except they should prefer going to windward, to a distance of at least half a mile, to shoot their nets.

Article XXXII.—When undecked boats shall arrive on grounds where fishing is already begun by other boats, amongst which shall be decked boats, the undecked boats so arriving shall shoot their nets to windward of the decked boats, except they prefer going to leeward, to a distance of at least half a mile, to shoot their nets.

Article XXXIII.—If, however, it should happen that the spot where fishing is going on, and consequently where the herrings are, should be so near to the fishery limits of one of the two countries that the boats of the other country would, by observing the above-mentioned regulations, be prevented from taking part in the fishery, the said boats of the other country shall be at liberty to shoot their nets at a less distance than that prescribed in the preceding articles for decked and undecked boats; but such fishermen as may take advantage of this permission shall be responsible for any damage or losses which their drifting may cause to the other boats.

Article XXXIV.—Fishermen of the one country shall not avail themselves of the circumstances mentioned in

the preceding article, nor of any other circumstances whatsoever, to shoot their nets within the fishery limits of the other country.

Article XXXV.—Whenever set nets are employed for the purpose of taking herrings, the boats engaged in this fishery shall always remain over their nets.

These boats shall moreover be bound to observe the prohibition contained in article LVII. in favour of drift-net fishing.

Article XXXVI.—Mackerel fishing is free all the year round.

Article XXXVII.—The meshes of all nets used for mackerel fishing shall not be less than one inch and one sixth (thirty millimètres French) square from knot to knot, along the line.

Article XXXVIII.—It is forbidden to all fishermen to load the lower parts of mackerel drift-nets with leads or stones.

Article XXXIX.—Boats going to fish for mackerel with drift-nets are required when they shall arrive on the fishing ground, to lower all sails to show that they have taken their berths.

Article XL.—The boats mentioned in the preceding article shall keep three quarters of a mile at least apart from one another when they shoot their nets.

Article XLI.—The meshes of nets known by the name of bratt nets shall not be less than four inches and one third (eleven centimètres French) square, from knot to knot, along the line.

Article XLII.—The meshes of the middle nets of trammels shall be at least two inches (five centimètres French) square, from knot to knot, along the line.

The meshes of both of the outer nets of trammels shall be at least six inches (fifteen centimètres French) square, from knot to knot, along the line.

Article XLIII.—Fishermen using bratt nets, trammels, and other set or anchored nets shall place buoys on such nets, in order that vessels sailing in those places may avoid them.

Article XLIV.—Such bratt nets, trammels, or other set or anchored nets shall not, except in unavoidable cases, remain more than twenty-four hours in the sea without being taken up.

Article XLV.—Oyster fishing shall open on the 1st of September, and shall close on the 30th of April.

Article XLVI.—From the 1st of May to the 31st of August no boat shall have on board any dredge or other implement whatsoever for catching oysters.

Article XLVII.—It is forbidden to dredge for oysters between sunset and sunrise.

Article XLVIII.—The fishermen shall cull the oysters on the fishing ground, and shall immediately throw back into the sea all oysters less than two and a half inches (six centimètres French) in the greatest diameter of the shell, and also all sand, gravel, and fragments of shells.

Article XLIX.—It is forbidden to throw into the sea on oyster fishing grounds the ballast of boats, or any other thing whatsoever which might be detrimental to the oyster fishery.

Article L.—For the purpose of distinguishing by day drift-net fishing boats from trawl boats, both shall carry at the mast-head vanes, which shall be at least eight inches (twenty centimètres French) in height, and two feet (sixty-one centimètres) in length.

The colours of these vanes shall be, for—

British trawl boats, red.
French trawl boats, blue.
British drift boats, white and red.
French drift boats, white and blue.

It is understood that the vanes of drift boats shall be divided vertically into two equal parts, of which the white shall be nearest to the mast.

Article LI.—It is forbidden to all other fishing boats to carry vanes similar to those mentioned in the preceding article.

Article LII.—It is forbidden to all boats to anchor between sunset and sunrise on grounds where herring or mackerel drift-net fishing is going on.

This prohibition does not apply to anchorages which may take place in consequence of accidents or any other compulsory circumstances, but in such case the master of the boat thus obliged to anchor shall hoist, so that they shall be seen from a distance, two lights placed horizontally about three feet (one mètre French) apart, and shall keep these lights up all the time the boat shall remain at anchor.

Article LIII.—In order that boats fishing with drift-nets may be easily recognized at night, the masters of these boats shall hoist on one of their masts two lights, one over the other, three feet (one mètre French) apart.

These lights shall be kept up during all the time their nets shall be in the sea between sunset and sunrise.

Article LIV.—All fishermen are forbidden, except in cases of absolute necessity, to show lights under any other circumstances than those mentioned in the present regulations.

Article LV.—The meshes of the various nets before mentioned shall be of the prescribed dimensions, measured when the net is wet.

Article LVI.—It is forbidden to use nets for any other kind of fishing than that for which each of those nets may be lawfully employed, with respect to the size of its meshes, or of its fittings.

Article LVII.—It is forbidden to set or anchor nets, or any other fishing implement, in any place where herring or mackerel drift-net fishing is going on.

Article LVIII.—No boat shall be made fast or held on to the nets, buoys, floats, or to any part of the fishing tackle, belonging to another boat.

Article LIX.—It is forbidden to all persons to hook or lift up the nets, lines, or other fishing implements belonging to others, under any pretence whatsoever.

Article LX.—When nets of different boats get foul of each other, the masters of the said boats shall not cut them, except by mutual consent, unless it shall have been found impossible to clear them by other means.

Article LXI.—All fishing boats, all rigging, gear, or other appurtenances of fishing boats, all nets, buoys, floats, or other fishing implements whatsoever, found or picked up at sea, shall, as soon as possible, be delivered to the collector of customs, if the article saved be taken into England, and to the commissary of marine, if the article saved is taken into France.

Article LXII.—The collector of customs, or the commissary of marine, as the case may be, shall restore the articles saved to the owners thereof, or to their representatives.

These functionaries may, when the circumstances are such as to call for it, award to the salvors a suitable compensation for their trouble and care. This compensation, which shall in no case exceed one fourth of the actual value of the articles saved, shall be paid by the owners.

Article LXIII.—The execution of the regulations concerning the fittings of nets and the size of their meshes, the weight and dimensions of fishing instruments, and, in short, concerning everything connected with the implements of fishing, is placed, with respect to the fishermen of each of the two nations, under the exclusive superintendence of the cruisers and agents of their own nation.

Nevertheless, the commanders of the cruisers of each nation shall mutually acquaint the commanders of the other nation with any transgressions of the above-mentioned regulations committed by the fishermen of the other nation which may come to their knowledge.

Article LXIV.—Infractions of regulations concerning the placing of boats, the distances to be observed, the prohibition of certain fisheries by day or by night, or during certain periods of the year, and concerning every other operation connected with the act of fishing, and more particularly as to circumstances likely to cause damage, shall be taken cognizance of by the cruisers of both nations, whichever may be the nation to which the fishermen guilty of such infractions may belong.

Article LXV.—The commanders of cruisers of both countries shall exercise their judgment as to the causes of any transgressions committed by British or French fishing boats in the seas where the said boats have the right to fish in common; and when the said commanders shall be satisfied of the fact of the transgression, they shall detain the boats having thus infringed the established regulations, and may take them into the port nearest to the scene of the occurrence, in order that the offence may be duly established, as well by comparing the declarations and counter-declarations of parties interested, as by the testimony of those who may have witnessed the facts.

Article LXVI.—When the offence shall not be such as to require exemplary punishment, but shall, nevertheless, have caused injury to any fisherman, the commanders of cruisers shall be at liberty, should the

circumstances admit of it, to arbitrate at sea between the parties concerned, and on refusal of the offenders to defer to their arbitration the said commanders shall take both them and their boats into the nearest port, to be dealt with as stated in the preceding article.

Article LXVII.—Every fishing boat which shall have been taken into a foreign port, under either of the two preceding articles, shall be sent back to her own country for trial as soon as the transgression for which she may have been detained shall have been duly established. Neither the boat nor her crew shall, however, be detained in the foreign port more than four days.

Article LXVIII.—The depositions, minutes of proceedings, and all other documents concerning the transgression, after being authenticated by the collector of customs, or by the commissary of marine, according to the country into which the boat may have been taken, shall be transmitted by that functionary to the consular agent of his nation residing in the port where the trial is to take place.

This consular agent shall communicate these documents to the collector of customs, if in the United Kingdom, or to the commissary of marine, if in France; and if, after having conferred with that functionary, it shall be necessary for the interest of his countrymen, he shall proceed with the affair before the competent tribunal or magistrates.

Article LXIX.—All transgressions of these regulations established for the protection of fisheries in the seas lying between the coasts of the British islands and those of France shall, in both countries, be submitted to the exclusive jurisdiction of the tribunal or the magistrates which shall be designated by law.

This tribunal, or these magistrates, shall also settle all differences, and decide all contentions, whether arising between fishermen of the same country, or between fishermen of the two countries, and which cannot have been settled by the commanders of cruisers, or by the consular agents and the collectors of customs, or commissaries of marine, according to the country.

The above-mentioned jurisdiction shall not, however, be understood to apply to murder, felony, or any other grave crime; all such crimes remaining subject to the ordinary laws of each country respectively.

Article LXX.—The trial and judgment of the transgressions mentioned in the preceding article shall always take place in a summary manner, and at as little expense as possible.

Article LXXI.—In both countries the competent tribunal or magistrate shall be empowered to adjudge the following penalties for offences against the regulations committed by fishermen subject to their jurisdiction:—

First. Forfeiture and destruction of nets or other fishing implements which are not conformable to the regulations.

Secondly. Fines from eight shillings (ten francs) to ten pounds sterling (two hundred and fifty francs), or imprisonment for not less than two days, and not more than one month.

Article LXXII.—The use of nets or other fishing implements of which the fittings, size of meshes, dimensions, or weight shall not be conformable to the regulations established for each kind of fishery shall subject the said nets or implements to seizure and destruction, and the offenders to a fine of not less than eight shillings (ten francs) nor more than three pounds sterling (seventy-five francs), or to imprisonment from two to ten days.

In cases of repetition of the offence, the fine or imprisonment may be doubled.

Article LXXIII.—All persons shall be condemned to a fine of from eight shillings to five pounds sterling (ten francs to one hundred and twenty-five francs), or to imprisonment from five to fifteen days, who either by night or by day, conjointly or separately, shall offend against the measures established by the regulations for the preservation of peace and good order, and specifically against those concerning—

First. The letters, numbers, and names to be placed on the boats and their sails, and on nets, buoys, &c.

Secondly. The vanes to be carried by the boats.

Thirdly. The distances to be observed between the boats.

Fourthly. The placing and anchoring of boats.

Fifthly. The placing or shooting of nets, and taking them up.

Sixthly. The clearing of nets.

Seventhly. The placing of buoys upon nets.

Eighthly. Lastly, the lights to be shown.

In cases of repetition of any of these offences, the fine or imprisonment may be doubled.

Article LXXIV.—In all cases of assault committed at sea by fishermen on other fishermen, or whenever they shall have intentionally caused damages or loss, the competent tribunal or magistrates may condemn the delinquents to a term of imprisonment not exceeding twenty days, or to a fine not exceeding five pounds sterling (one hundred and twenty-five francs).

Should there have been at the same time any infringement of the regulations, the imprisonment or fine above mentioned may be awarded over and above the penalties to which the said infringement shall have given rise.

Article LXXV.—The competent tribunal or magistrates shall, when the circumstances are such as to call for it, award, over and above all penalties inflicted for offences against the regulations, the payment of damages to the injured parties, and shall determine the amount of such damages.

Article LXXVI.—The conditions under which the fishing boats of either of the two countries shall be at liberty to come within the fishery limits of the other country are laid down in the following articles, which also specify and regulate the penalties to be inflicted for infraction of the said articles.

Article LXXVII.—The competent tribunal or magistrates shall exclusively take cognizance (in the same manner as stipulated in article LXIX.) of the infractions mentioned in article LXXVI.

Article LXXVIII.—The putting into the Chausey islands by British oyster fishing boats is regulated by the six following articles.

Article LXXIX.—The putting into the Chausey islands by British fishing boats in consequence of damage, evident bad weather, or any other compulsory circumstance, is a right confirmed by article VII. of the Convention of the second of August one thousand eight hundred and thirty-nine.

Article LXXX.—The expediency of putting in, under any of the circumstances mentioned in the preceding article, must naturally be determined by those fishermen who may find it necessary to avail themselves of this right.

Nevertheless, whenever the British fishing boats shall be able to communicate with the commander of the British station, they shall not put in until they are authorized so to do by the said commander's hoisting the following signal,—a blue ensign at the mast-head.

Article LXXXI.—The commander of the English station may, when he shall consider this measure necessary, authorize the weaker boats, which are consequently the most exposed to the effects of bad weather, to put into the Chausey islands whilst the other boats shall continue to fish.

This permission shall be made known by the following signal,—a red ensign at the mast-head.

Article LXXXII.—When the commander of the English station shall have authorized the whole or part of the British boats to seek shelter in the Chausey islands, in consequence of the above-mentioned causes, he shall give notice thereof immediately afterwards to the French cruisers by means of the following signals; viz.—

For the anchorage of all the boats (provided for in article LXXX.), a blue peter placed under the blue ensign at the mast-head.

For the anchorage of the weaker boats (provided for in article LXXXI.), a blue peter placed under the red ensign at the mast-head.

Article LXXXIII.—Whenever the appearance of the weather, although it be not actually stormy at the time, yet shall be so threatening that boats could not gain shelter of the British Channel islands before it comes on, the British commander, taking on himself the responsibility of the measure, may authorize the said boats to anchor at Chausey, by hoisting a blue peter.

This permission shall, at the same time, be made known to the French cruisers by means of a French flag hoisted at the mast-head over the said blue peter.

These flags shall not be hauled down until the French cruisers shall have understood the signal, and answered it by hoisting, also at the mast-head, an English flag.

Article LXXXIV.—When British fishing boats put into Chausey they shall keep together in the same part of the anchorage.

Should any compulsory circumstances prevent their doing so, the commander of the English station shall inform the French station thereof by hoisting, in addition to the flags flying to announce the putting in of the boats, an union jack under the said flags.

Article LXXXV.—The fishing boats of the one country shall not approach nearer to any part of the coasts of the other country than the limit of three miles, specified in article IX. of the Convention signed at Paris on the second of August one thousand eight hundred and thirty-nine, except under the following circumstances:—

First. When driven by stress of weather or by evident damage to seek shelter in the harbours, or within the fishery limits of the other country.

Secondly. When carried within the limits established for the fishery of the other country by contrary winds, by strong tides, or by any other cause independent of the will of the master and crew.

Thirdly. When obliged by contrary winds or tide to beat up in order to reach their fishing ground; and when, from the same cause of contrary wind or tide, they could not, if they remained outside, be able to hold on their course to their fishing ground.

Fourthly. When, during the herring fishing season, the herring fishing boats of the one country shall find it expedient to anchor under shelter of the coasts of the other country, in order to await a favourable opportunity for proceeding to their lawful fishery outside of the limits defined by article IX. of the Convention of the second of August one thousand eight hundred and thirty-nine.

Article LXXXVI.—Whenever, in any of the cases of exception specified in the preceding article, the fishing boats of either nation shall have occasion to sail or anchor within the limits defined by the Convention of the second of August one thousand eight hundred and thirty-nine, the masters of such boats shall immediately hoist a blue flag, two feet high and three feet long, and shall keep this flag flying at the mast-head so long as they shall remain within the said limits; consequently this flag shall not be hauled down until the boats are actually outside of those limits.

These boats, when within the aforesaid limits, are not only prohibited from fishing themselves, but are also forbidden to send their small boats to fish, even outside of the limits in question. They must all (with the exception of herring boats which may be waiting, as they have the privilege of doing, for a favourable opportunity to proceed to their lawful fishery,) return outside the said limits, so soon as the causes shall have ceased which obliged them to come in under the cases of exception specified.

It is further agreed, conformably to the tenor of the present regulations, that the fishing boats of the one country shall not use the ports of the other country for the greater convenience of their fishery operations, either in proceeding from thence to their lawful fishery in the seas common to both, or in returning thereunto after fishing; it being understood, however, that this stipulation does not in any manner impair the right of putting into port in the cases of exception specified in article LXXXV.

Article LXXXVII.—It is forbidden to herring drift-net fishing boats to shoot their nets earlier in the day than half an hour before sunset, except in places where it is customary to carry on this drift-net fishing by daylight.

Article LXXXVIII.—Herring fishermen, being within the fishery limits of either country, shall comply with the laws and regulations of the said country respecting the prohibition of fishing on the Sabbath day.

Article LXXXIX.—The commanders of the cruisers of each of the two countries, and all officers or other agents whatsoever appointed to superintend the fisheries, shall exercise their judgment as to the causes of any transgressions committed by the fishing boats of the other country, and when they shall be satisfied of the fact of the transgression, they shall detain or cause to be detained the boats having thus transgressed the preceding regulations (from article LXXVI.), and shall take them or cause them to be taken into port, where, upon clear proof of the transgression being brought by the detaining party before the competent tribunal or magistrates, the said boats so transgressing may be condemned to be kept for a period not exceeding three months, or to a fine not exceeding ten pounds sterling (two hundred and fifty francs).

In testimony whereof the respective commissioners have signed the present regulations, and have thereto affixed their seals.

Done in London, the twenty-fourth day of May in the year of our Lord one thousand eight hundred and forty-three.

(L.S.) ANTHONY PERRIER.
(L.S.) T. LANGE.

No. 37.

18 & 19 VICT. CAP. CI.

AN ACT for the more effectual Execution of the Convention between Her Majesty and the French Government concerning the Fisheries in the Seas between the British Islands and France.

[14th August 1855.]

Convention between Her Majesty and the King of the French, dated 2d August 1839.

WHEREAS a Convention was concluded between Her Majesty and the King of the French on the second day of August one thousand eight hundred and thirty-nine, defining the limits of the oyster fishery between the Island of Jersey and the neighbouring coast of France, and also defining the limits of the exclusive rights of fishery on all other parts of the coasts of the British Islands and France: And whereas, pursuant to the said Convention, certain articles, being regulations for the guidance of the fishermen of the two countries in the seas lying between the coasts of the United Kingdom and those of France, were agreed upon by commissioners authorized in that behalf, and were approved and confirmed on the part of Her Majesty and of the French Government: And whereas by the said articles it was provided that oyster-fishing should open on the first of September and should close on the thirtieth of April, and that from the first of May to the thirty-first of August no boat should have on board any dredge or other implement whatsoever for catching oysters: And whereas an Act was passed in the session holden in the sixth and seventh years of Her Majesty (chapter seventy-nine), to carry into effect the said Convention, and it was thereby enacted that the said articles (which were set forth in the schedule to the same Act) should be binding upon all persons, and should have the force of law: And whereas it is expedient that more effectual provision should be made for enforcing the regulations established pursuant to the said Convention as aforesaid: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, as follows:

6 & 7 Vict. c. 79.

Oysters and dredges found on board fishing vessels from 1st May to 31st August may be seized.

I. It shall be lawful for any officer or petty officer belonging to Her Majesty's navy or revenue service, or such officers and men of the coastguard stations as may be thereunto authorized by the Commissioners of Her Majesty's Customs, or such persons as may be appointed, under the provisions of the said Act, by the Lords of the Committee of Her Majesty's Privy Council appointed for trade and foreign plantations, when they go on board any British vessel employed in fishing, to examine whether the regulations of the said Act have been complied with, to seize, and throw overboard or destroy any oysters found on board such vessel, at any time from the first day of May to the thirty-first day of August in any year, as well as to seize and dispose of in manner provided by the "Customs Consolidation Act, 1853," all dredges and other implements for catching oysters found on board such vessel; and it shall also be lawful for such officers, petty officers, and men, and such persons as aforesaid respectively, to seize and dispose of in like manner all dredges and other implements for catching oysters found sunk in or floating upon the seas at any such time as aforesaid.

Oysters landed between 1st May and 31st August may be seized.

II. No oysters taken in the seas between the United Kingdom and France shall be imported into or landed in any part of the United Kingdom at any time between the first day of May and the thirty-first day of August in any year, and any oysters imported in or landed between such days from any vessel employed in fishing in the said seas shall be deemed to be oysters taken and imported contrary to the provisions of the said articles and of this Act, unless the contrary be proved; and it shall be lawful for any officer of the Customs, or any person who may be appointed under the provisions of the said Act by the Lords of the said Committee of Council, to seize and destroy, or otherwise dispose of, as the said Commissioners of the Customs or the said Lords of the said Committee may direct, any oysters imported into or landed in any part of the United Kingdom contrary to the provisions of this Act.

Penalties on persons in charge of British vessels for offending.

III. The master or person in charge of any British vessel on board which any such oysters or any such dredge or other implement for catching oysters are found, at any such time as aforesaid, or in or from which any such oysters are landed at any such time as aforesaid, contrary to the provisions of this Act, shall be deemed guilty of an offence against the said articles, and shall on conviction be liable to a penalty of not less than eight shillings or more than three pounds, or to be imprisoned, with or without hard labour, for any time not less than two days and not longer than ten days, and if convicted more than once then upon any second or subsequent conviction to a penalty of not more than six pounds, or to be imprisoned, with or without hard labour, for any time not longer than twenty days.

British consuls may take depositions on oath concerning offences against the fishery regulations.

IV. It shall be lawful for any British consul exercising his functions in any port or place in France, where any person, being a subject of Her Majesty, is brought under the provisions of the said articles charged with any offence against the said articles, or against any rule or byelaw made under the said Act, to take any statement on oath (which oath such consul is hereby authorized to administer) of any person who may be produced before the consul for that purpose, concerning the facts or circumstances of the case, and to put the same into writing; and every such statement as aforesaid shall be taken and put into writing in the presence of the person charged, and shall be read over to him, and, where not made in English, shall be interpreted to him; and the person charged (by himself or by any legal adviser acting on his behalf) shall be entitled to put such questions as he may think fit to the witness making the statement, and shall be told that he is so entitled by the consul; and such questions, with the answers thereto, shall be put into writing, and such answers shall be read, and where necessary interpreted, to the person charged as aforesaid; and all such depositions shall be read over to and signed respectively by the witnesses who shall have been so examined, and shall be signed also by the consul, who shall certify that the same were taken on oath in the presence of and read over to the person charged, and, where not taken in English, interpreted to him.

Depositions admissible in evidence.

V. Every such deposition shall be admissible in evidence in any proceeding against the person charged as aforesaid with any offence against the said articles, or against any rule or byelaw made in pursuance of the said Act, unless it be shown that the witness making such deposition is within the United Kingdom; and it shall not be necessary in any case to prove the signature or official character of the consul appearing to have signed any such deposition, or the signature of the witnesses signing the same; and in any such proceeding such certificate as aforesaid shall, unless the contrary be proved, be sufficient evidence of the matters thereby certified.

Penalties and proceeds of sales, &c. to be paid into exchequer.

VI. All penalties, fines, and forfeitures, and the proceeds of any sale of dredges or other implements under this Act, or under the said Act of the sixth and seventh years of Her Majesty, shall be paid into the receipt of Her Majesty's Exchequer, in such manner as the Commissioners of Her Majesty's Treasury may direct, and shall be carried to and form part of the consolidated fund of the United Kingdom.

As to the term "British consul."

VII. The term "British consul" in this Act shall include any consul general, consul, vice consul, or other consular agent.

Recited Act and this Act to be read together.

VIII. The said Act of the sixth and seventh of Her Majesty and this Act shall be read and construed together as one Act.

No. 38.

Abstract of Byelaws, Orders, &c., made by the Commissioners of Fisheries in Ireland, to 31st March 1864.

Place affected by Byelaw, and Date thereof.	Nature of Byelaw.
	AGAINST TRAWLING.
Dublin Bay (10th Oct. 1842).	Prohibiting trawling inside lines drawn from the Bailey Lighthouse at Howth to the easternmost point of the rocks called the "Mugglins," thence by a straight line to the southern point of Dalkey Island; thence by a straight line across Dalkey Sound in the direction of the signal station on Killiney Hill.
East Coast (14th Feb. 1851).	Prohibiting trawling within a line drawn from the nose of Howth to the eastern point of St. Patrick's Island (Skerries); thence to Clogher Head; thence to Dunany Point; thence to Cranfield Point, in the county Down.
Dundrum Bay, &c. (3rd Dec. 1851).	Prohibiting trawling from Hellyhunter Rock, off Cranfield Point, to St. John's Point, both in the county Down.
Belfast Lough (25th Oct. 1854 and 16th Feb., 1857).	Prohibiting trawling within a straight line drawn from the Castle of Carrickfergus to Rockport, in the county Antrim, and from 1st December to 1st April, and the use of nets of less mesh than one and three-quarter inches from knot to knot (except draft-nets for herrings).
Lough Swilly (27th June 1844).	Prohibiting trawling within a line from Knockalla Battery on the west side to Linsfort Church on the east side of the Lough.
Donegal Bay (16th Feb. 1857).	Prohibiting trawling within a straight line from the Bian Bock to a place called Doorin Point; and from a place called the Blind Rock to the northern point of the townland of Rossnowlagh, Lower; and from thence to Kildoney Point; and from thence to a place called Pointinchose
Galway Bay (22nd March 1843 and 9th Jan. 1854).	Prohibiting trawling within a line from Barna Pier to Gleninagh Castle. Also, when large shoals of herrings shall have set in in the bay, and while boats are engaged in drifting for herrings or mackerel, and when boats shall commence fishing for herrings or mackerel, that trawl-boats shall keep at a distance of three miles from them.
Brandon Bay (23rd Aug. 1860).	Prohibiting trawling within a line drawn from Brandon Point to Coosanea.
Dingle Bay (2nd March 1852 and 28th Jan. 1862).	Prohibiting trawling within a straight line from Bull's Head, near Dingle, to Cununna, near Valentia.
	Repealing byelaw prohibiting trawling.
Bantry Bay (27th March 1858).	Prohibiting trawling within a straight line from Crowdy Point to Carrigskye Rock, and from thence to Reenavanny Point on the north shore of Whiddy Island.
	Prohibiting trawling between sunset and sunrise.
Glandore Harbour (11th Sept. 1861).	Prohibiting trawling between the 1st day of May and the 1st day of October in each year, within that part of the harbour of Glandore lying to the northward of a straight line from the telegraph or signal tower at "Foil-"nashark" or "Filenashawk," on the north-eastern point of the entrance to the harbour, and Sheela Point on the western shore.
Waterford Harbour (2nd March 1852 and 12th Sept. 1860).	Prohibiting trawling by boats exceeding five tons measurement within a line drawn from Cresden Head to Temple Church.
Wexford Coast (20th April 1849).	Prohibiting trawling in all places where there are boats engaged in herring or mackerel drift-net fishing; and that trawl-boats shall keep at a distance of at least three miles from all boats fishing for herrings or mackerel with drift-nets. And whenever herring or mackerel boats shall commence drift-net fishing in any place on or off the coast of Wexford, the trawl-boats shall depart therefrom, and keep at least three miles distant from the drift-net herring or mackerel boats.
	TRAMMEL-NETS.
Dungarvan Bay (4th July 1849).	Prohibiting the use of trammel and every other fixed or moored net (except bag or other nets for the taking of salmon) in Dungarvan Bay, within the limit formed as follows, namely, the space lying between a line passing due east and west through the northernmost point of Helvick Head, and a line passing due east and west through the southernmost point of Ballinacourty Head, in the county Waterford; but to the north and east of the line through Ballinacourty Head, and to the south and west of the line through Helvick Head, such trammel or moored nets may be set and remain set in the water from three o'clock p.m. of one day until nine o'clock a.m. in the following day during January, March, October, November, and December in each year; and from five o'clock p.m. of one day to seven o'clock a.m. in the following day during May, June, July,
Inver Bay (24th Sept. 1860).	August, and September. Also prohibiting such nets athwart or within 200 yards of any boat, which at the time of setting such net shall be moored, and the crew thereof engaged in line-fishing; and to every train of such trammel or moored nets shall be attached at least one floating buoy or board, upon which shall be painted in legible characters, not less than one inch in length, in white upon a black ground, the letter of the district and the name of the owner to which such net belongs.
River Slaney, co. Wexford (25th March 1854, and 4th March 1862).	Prohibiting the use of trammel nets within or to the north-east of a line drawn from the mouth of the Bunlaghy River to Doorin Point.
	Prohibiting during the close season for salmon the use of nets of any kind whatsoever between Ferrycarrig Bridge and the town of Enniscorthy.
	Prohibiting during the open season for salmon the use of nets with meshes of less size than one and three quarter inches from knot to knot between Ferrycarrig Bridge and the town of Enniscorthy.
River Lee, co. of the city of Cork.	Prohibiting during the close season for salmon the use of draught-nets or any other net or nets used as a draught-net, having a footrope and leads or weights affixed thereto, within the following limits, viz.:—In that part of the River Lee situate between Patrick's Bridge, in the city of Cork, and a line drawn across the said River Lee from Blackrock Castle, on the south side, to the western extremity of the townland of Dunkettle, on the north.
Argideen River (24th Feb. 1860).	Prohibiting the use of nets of any kind whatsoever in the tidal part of the river known as the Argideen River, in the county of Cork, situated between the junction of the Owenkeagh or Blind River with the said Argideen River and the Bridge of Timoleague, all in the barony of the east division of East Carbery and county of Cork.
River Shannon (5th Feb. 1856).	Prohibiting net fishing in that part of the River Shannon between Wellesley Bridge and the railway bridge between 1st June and 12th February.
River Shannon -	First.—Prohibiting, between the 20th day of July and 1st day of November in each year, the use of draught-nets, or any other net or nets used as a draught-net, having a footrope and leads or weights affixed thereto, within the following limits, viz.:—In that part of the River Shannon situate between the fishing weir known as the Lax weir, and a line drawn due north and south across the River Shannon at the western extremity of Graigue Island.
	Second.—Prohibiting draught-nets for the capture of fish of any kind of a mesh less than one and three-quarter inches from knot to knot, to be measured along the side of the square, or seven inches, to be measured all round each such mesh, such measurements being taken in the clear when the net is wet, in the tidal parts of the River Shannon, or in the tidal parts of any of the rivers flowing into the said River Shannon.
Lough Ree, River Shannon. (27th August 1858).	Permitting the use of nets in Lough Ree, having a mesh of five inches in the round measured when the net is wet.
Castlemaine Estuary (27th Oct. 1858).	Prohibiting during the salmon close season the use of draught-nets having a footrope and leads or weights affixed thereto in the estuary of Castlemaine inside the Bar of Inch.
Lough Neagh (22nd April 1846 and 24th Feb. 1860).	Permitting pollen to be taken by trammel or set-nets composed of thread or yarn of a fine texture, not less than ten hanks to the pound weight, doubled and twisted with a mesh of not less than one inch from knot to knot, from the 1st of March to the 29th September.
Galway River, Lough Corrib, &c. (24th July 1846).	Prohibiting the use of the instrument commonly called strokehaul or snatch, or any other such instrument in River Galway, Loughs Corrib or Mask, or their tributaries.
Clare and Clare-Galway or Turloughmore Rivers, co. Galway.	Prohibiting the use of nets of any kind whatsoever in any part of the rivers known as the Clare and the Clare-Galway or Turloughmore Rivers, in the county of Galway, above the junction of the said rivers with Lough Corrib, in the county of Galway.
Teelin Estuary (24th Feb. 1860).	Prohibiting the use of nets for the capture of fish of any kind with meshes of less than one inch from knot to knot, (to be measured along the side of the square, or four inches to be measured all round each such mesh, such

No. 38—*continued.*

ABSTRACT of BYELAWS, ORDERS, &c. made by the COMMISSIONERS OF FISHERIES IN IRELAND.

Place affected by Byelaw, and Date thereof.	Nature of Byelaw.
	measurements being taken in the clear when the net is wet,) on that part of the coast of the county of Donegal inside, or to the north-east and north of lines drawn from Rossan Point to Teelin Head, and from Teelin Head to Carrigan Head, and from Carrigan Head to Muckross Point, all in the barony of Bannagh, and county of Donegal.
	OYSTERS.
Coasts of Wicklow and Wexford (22d April 1846).	Permitting, during the month of May, the dredging for oysters from any of the public beds below level of lowest water of spring tides, on that part of the coast between Wicklow Head and Raven Point, north of Wexford Harbour, for purpose of replenishing and supplying artificial oyster-beds or layings, or other beds or layings, the exclusive property of any person, *but for no other purpose whatever.*
Wexford Coast	First.—All persons engaged in fishing for or taking oysters off the said Wexford coast, south of Raven Point, shall cull all such oysters as may be taken or caught; and shall not remove from any fishing ground or oyster-bed any oyster of less dimensions than three inches at the greatest diameter thereof, and shall immediately throw back into the sea all oysters of less dimensions than aforesaid, as well as all gravel and fragments of shells as shall be raised or taken while engaged in such fishing; and no person shall take from any oyster-bed, rock, strand, or shore off said Wexford coast, south of Raven Point, any oyster of less dimensions than three inches at the greatest diameter thereof; and any person offending in any respect against this byelaw, rule, or regulation shall for each offence forfeit and pay a sum of two pounds. Second.—All persons are hereby prohibited from throwing into the sea on any oyster-bed or oyster-fishing ground off the said Wexford coast the ballast of any boat or any other matter or thing injurious or detrimental to the oystery fishery; and all persons acting contrary hereto shall for each offence forfeit and pay a sum of two pounds.
Cork Harbour (28th Oct. 1853).	First.—That between the 1st May and 1st September no boat shall have on board any dredge or other implement for taking oysters. Second.—Every fisherman shall on the fishing ground cull all oysters, and shall not remove any oyster of less dimensions than two and a half inches at the greatest diameter thereof, and shall throw back into the sea all gravel and fragments of shells as he shall raise while engaged in such fishing. Third.—All persons are prohibited from throwing into the sea on any oyster-bed or oyster-fishing ground the ballast of any boat or any other matter or thing injurious to the oyster fishery. Fourth.—No person shall between sunset and sunrise dredge for, take, or catch any oysters within the harbour of Cork.
Tralee Bay (28th Sept. 1860).	First.—That between the 1st day of April and the 1st day of November in any year, being the close season for oysters in the said Bay of Tralee, no boat in the said Bay of Tralee shall have on board any dredge or other implement for the taking of oysters; and if between the periods aforesaid there shall be on board any boat any such dredge or other implement for the taking of oysters, the master or owner of such boat shall for each such offence forfeit and pay a sum of five pounds. Second.—All persons engaged in fishing for or taking oysters in said Bay of Tralee shall cull all such oysters as may be taken or caught, and shall not remove from any fishing ground or oyster-bed any oyster of less dimensions than two inches and one half at the greatest diameter thereof, and shall immediately throw back into the sea all oysters or less dimensions than aforesaid, as well as all gravel and fragments of shells as shall be raised or taken while engaged in such fishing; and no person shall take from any rock, strand, or shore of said Bay of Tralee any oyster of less dimensions than two inches and one half at the greatest diameter thereof; and any person offending in any respect against this byelaw, rule, or regulation shall for each offence forfeit and pay a sum of two pounds. Third.—All persons are hereby probibited from throwing into the sea on any oyster-bed or oyster-fishing ground in the said Bay of Tralee the ballast of any boat or any other matter or things injurious or detrimental to the oyster fishery; and all persons acting contrary hereto shall for each offence forfeit and pay a sum of two pounds.
Achill Sound, Clew Bay, and Blacksod Bay (15th Dec. 1860).	First.—That between the 1st day of April and the 1st day of October in any year, being the close season for oysters in said Clew Bay, Achill Sound, and Blacksod Bay, no boat in the said Clew Bay, Achill Sound, and Blacksod Bay shall have on board any dredge or other implement for the taking of oysters; and if between the periods aforesaid there shall be on board any boat any such dredge or other implement for the taking of oysters, the master or owner of such boat shall for each such offence forfeit and pay a sum of five pounds. Second.—All persons engaged in fishing for or taking oysters in said Clew Bay, Achill Sound, and Blacksod Bay shall cull all such oysters as may be taken or caught, and shall not remove from any fishing ground or oyster-bed any oyster of less dimensions than two inches and one half at the greatest diameter thereof, and shall immediately throw back into the sea all oysters of less dimensions than aforesaid, as well as all gravel and fragments of shells as shall be raised or taken while engaged in such fishing; and no person shall take from any rock, strand, bed, or shore of said Clew Bay, Achill Sound, and Blacksod Bay any oyster of less dimensions than two inches and one half at the greatest diameter thereof; and any person offending in any respect against this byelaw, rule, or regulation shall for each offence forfeit and pay a sum of two pounds. Third.—All persons are hereby prohibited from throwing into the sea on any oyster-bed or oyster-fishing ground in said Clew Bay, Achill Sound, and Blacksod Bay the ballast of any boat or any other matter or thing injurious or detrimental to the oyster fishery; and all persons acting contrary hereto shall for each offence forfeit and pay a sum of two pounds. Fourth.—No person shall between sunset and sunrise dredge for, take, or catch any oysters within said Clew Bay, Achill Sound, and Blacksod Bay; and every person acting contrary hereto shall for each offence forfeit and pay a sum of five pounds.
Carlingford Lough (17th April 1860).	First.—That between the 1st day of March and 1st day of November in any year it shall not be lawful for any person to dredge for, take, catch, or destroy any oysters or oyster brood within the said Lough of Carlingford, or off or from any of the shores or rocks of said lough; and any person offending against this byelaw shall for each such offence forfeit and pay a sum of five pounds. Second.—That between the 1st day of March and the 1st day of November in any year no boat in the said Lough of Carlingford shall have on board any dredge or other implement for the taking of oysters; and if between the periods aforesaid there shall be on board any boat any such dredge or other implement for the taking of oysters, the master or owner of such boat shall for each such offence forfeit and pay a sum of five pounds. Third.—All persons engaged in fishing for or taking oysters in said Lough of Carlingford shall cull all such oysters as may be taken or caught, and shall not remove from any fishing ground or oyster-bed any oyster of less dimensions than two inches and one half at the greatest diameter thereof, and shall immediately throw back into the sea all oysters of less dimensions than aforesaid, as well as all gravel and fragments of shells as shall be raised or taken while engaged in such fishing, and no person shall take from any rock, strand, or shore of said Lough of Carlingford any oyster of less dimensions than two inches and one half at the greatest diameter thereof; and any person offending in any respect against this byelaw, rule, or regulation shall for each offence forfeit and pay a sum of two pounds. Fourth.—All persons are hereby prohibited from throwing into the sea on any oyster-bed or oyster-fishing ground in the said Lough of Carlingford the ballast of any boat or any other matter or thing injurious or detrimental to the oyster fishery; and all persons acting contrary hereto shall for each offence forfeit and pay a sum of two pounds.

No. 39.

LIST of LICENCES GRANTED by the COMMISSIONERS of IRISH FISHERIES to PLANT OYSTER BEDS, up to 31st December 1864.

Date of Licence.	Person to whom Granted.	Locality of Beds.	Area of Beds. A.	R.	P.
1846.					
5th November	W. H. Carter, Esq.	Tramore Bay, county Mayo	19	1	11
7th December	Luke Lyons, Esq.	- - - - - -	17	0	0
1848.					
9th June	F. H. Downing	Off Daurus Point, county Kerry	3	2	28
1851.					
5th February	John Mahony, Esq.	Estuary of Kenmare River, county Kerry	165	2	0
5th February	Rev. Denis Mahony	Do. Do.	147	2	0
1852.					
17th November	Thomas Whyte, Esq.	Ballisodare Bay, county Sligo	132	1	26
17th November	John C. Garvey, Esq.	Westport Bay, county Mayo	108	3	33
1853.					
22nd September	J. O. Woodhouse, Esq.	Mulroy Bay, county Donegal	63	0	26
1854.					
1st July	Burton Bindon, Esq.	Carlingford Lough, county Louth	51	3	10
15th November	Hon. David Plunket	Killary Harbour, county Mayo	288	0	0
15th November	J. K. Boswell, Esq.	Ballyconnelly Bay, county Galway	233	0	0
1855.					
18th July	John Richards, Esq.	Blacksod Bay, county Mayo	90	0	0
1856.					
30th July	Lord Charles P. P. Clinton	Bear Haven, county Cork	45	0	0
21st August	William Foreman, Esq.	Ardbear Bay, county Galway	90	2	0
1857.					
7th August	Thomas Eccles, Esq.	Glengariffe Harbour, county Cork	9	1	0
1858.					
15th February	Rev. A. Magee	Streamstown and Cleggan Bays, co. Galway	277	0	0
15th February	A. C. Lambert, Esq.	Killary Harbour, county Galway	114	0	0
1860.					
3rd February	Rev. R. H. Wall	Mannin and Ardbear Bays, county Galway	348	0	0
3rd February	Knight of Kerry	Valencia Harbour, county Kerry	78	0	0
3rd February	Captain W. Houston	Killary Harbour, county Mayo	43	0	0
13th February	William M'Cormick, Esq.	Achill Sound, county Mayo	149	0	0
11th May	Edward Browne, Esq.	Ballinakill Harbour, county Galway	223	0	0
4th October	M. C. Cramer, Esq.	Oyster Haven, county Cork	20	0	0
9th October	Ebenezer Pike, Esq.	Lough Mahon, Estuary of Lee, county Cork	47	0	0
14th November	William Pike, Esq.	Achill Sound, county Mayo	1,676	0	0
1861.					
10th January	William Forbes, Esq.	Mweenish Bay, county Galway	225	0	0
1862.					
14th February	Robert W. C. Reeves, Esq.	Clonderlaw Bay, county Clare	112	0	0
3rd March	James Walker, Esq.	Belfast Lough, Carrickfergus	137	0	0
6th March	Edmund Power, Esq.	Tramore Bay, county Waterford	270	0	0
1863.					
29th May	George Clive, Esq., M.P.	Blacksod Bay, county Mayo	489	0	0
1864.					
2nd February	Lord Fortescue	Tramore Bay, county Waterford	83	0	0
5th April	Lord Wallscourt	Galway Bay, county Galway	1,770	0	0
10th June	Colonel C. M. Vandeleur, M.P.	Poulnasherry Bay, county Clare	190	0	0
10th June	A. W. Wyndham, Esq.	Newport Bay, county Mayo	80	0	0
30th September	Captain George Austin	Westport Bay, county Mayo	194	0	0
31st October	John Kendall, Esq.	Ardbear and Mannin Bays, county Galway	236	0	0
31st October	Robert T. Atkins, Esq.	Lough Hyne, county Cork	25	0	0
31st October	R. E. L. Athy, Esq.	Galway Bay, county Galway	100	0	0
31st October	P. M. Lynch, Esq.	Galway Bay, county Galway	320	0	0
11th November	A. Boate, Esq.	Dungarvan Harbour, county Waterford	65	0	0
11th November	J. R. Dower, Esq.	Dungarvan Harbour, county Waterford	27	0	0
31st December	Captain W. F. Barry	Glandore Harbour, county Cork	68	0	0
31st December	C. P. Archer, Esq.	Ballinakill Harbour, county Galway	48	0	0
31st December	T. Young Prior, Esq.	Ballinakill Harbour, county Galway	90	0	0
31st December	P. Macauley, Esq.	Ballinakill and Barnaderg Bays, co. Galway	150	0	0
31st December	Colonel F. A. K. Gore	Killala Bay, county Mayo	375	0	0
			9,494	0	0

NOTE.—To all licences granted since the 2nd February 1854 a condition has been attached that unless the bed shall be properly stocked within a specified time, and to the satisfaction of the Commissioners, the licence shall be nul and void.

The following applications for Oyster Licences were refused:—

Captain Hodder - - Ringabella Bay.	E. Browne - - Ballinakill Bay.
J. S. Kirwan - - Muckanish Bay.	Marquis of Sligo - Clew Bay.
J. C. Jones - - Ardbear Bay.	

No. 40.

RETURN of the WEIGHT and VALUE of FISH caught by one TRAWLER during the years 1860–4.

To the ROYAL SEA FISHERIES COMMISSION, 1865.

HONOURABLE SIRS,

BELOW I beg to hand you at your request a condensed statement of the catch of one of my "trawlers" for the years 1860–4 inclusive, showing the respective weights of prime and offal fish, and the relative value of each, with a "total" for each year. I have taken every pains that it should be exact, and the selection I have made in the vessel for each year may be taken as a fair average.

I have the honour to be, &c.

(Signed) H. KNOTT,
Grimsby.

Years.	Weight of Fish.									Amount realised.								
	Prime.*			Offal.†			Total.			Prime.			Offal.			Total Amount.		
	Tons	cwts.	qrs.	Tons	cwts.	qrs.	Tons	cwts.	qrs.	£	s.	d.	£	s.	d.	£	s.	d.
1860 - -	18	19	2	66	4	3	85	4	1	320	7	9	114	0	6	434	8	3
1861 - -	13	1	3	69	16	2	82	18	1	392	11	6	177	16	5	570	7	11
1862 - -	12	19	1	52	14	2	65	13	3	360	4	8	105	13	1	465	17	9
1863 - -	18	4	0	74	9	2	92	13	2	455	0	0	145	0	0	600	0	0
1864 - -	22	18	2	94	7	3	117	6	1	443	6	0	189	7	6	632	13	6
	86	3	0	357	13	0	443	16	0	1,971	9	11	731	17	6	2,703	7	5

* "Prime" fish consists of turbot, brill, soles, and doreys. † "Offal" includes haddocks, plaice, &c.

No. 41.

RETURNS of Number of BOATS and MEN engaged in the HERRING FISHERY on COAST of GREAT BRITAIN from FRENCH PORTS.—From Report of the Commandant of the Naval Division of the French Navy superintending the Fisheries in the North Sea. *Revue Maritime*, 1865, p. 433.

PORTS.	Vessels.		Crews.		Tonnage.	
	1864.	1863.	1864.	1863.	1864.	1863.
Gravelines - - -	1	2	12	30	30	69
Boulogne - - -	101	100	1,727	1,706	4,143	3,976
St. Valéry, S.S. - - -	7	3	115	48	310	134
Le Tréport - - -	—	1	—	15	—	34
Dieppe - - - -	11	19	218	429	661	1,133
St. Valéry, R.C. - - -	6	8	139	214	386	513
Fécamp - - - -	27	31	700	782	1,810	2,053
Total - - - -	153	164	2,941	3,224	7,340	7,912
Difference in favour of 1863 -	11		283		573	

Average number of men to each vessel in 1864, 18.

Average tonnage of vessels, 48.

The difference between 1863 and 1864 is due to several boats not having returned from Newfoundland in time to take part in the fishing.

No. 42.

LETTER from Lieutenant H. J. CHALLIS, R.N.

H.M.S. Lizard,
Invergordon, August 7, 1864.

SIR,

I HAVE the honour to request you to lay before the Royal Commissioners the following remarks on the evidence given by Mr. John Mackie, the editor of the Northern Ensign newspaper, on the subject of the "steamer employed on the "Caithness coast during the herring fishery" at their meeting at Wick on the 1st instant.

1. H.M.S. Lizard under my command is the steamer in question. She has been stationed here in this service during the seasons of 1862, 1863 and 1864.

Her duties are such as I have detailed in my verbal evidence, in addition to the Admiralty instructions to all officers in command to render every assistance to vessels in distress.

2. Encouraging the fishermen and giving them notice of the shoals of fish is, according to my instructions, no part of such duty.

3. "Going out to the fishing grounds with the boats" is a measure that I take from time to time at my discretion, observing that it is necessary that the steamer should be clear of the boats before they shoot their nets on account of the damage that would be occasioned by moving about among them, through fouling the paddle wheels, &c. with the nets.

4. The statement that "the steamer has laid in the bay "for weeks &c." is so far incorrect, that it seldom happens that she is at anchor in Wick Bay for four days together throughout the fishing season.

5. The witness goes on to speak of a "boat about two "years since perishing under her lee &c." I was not at that time in command of the vessel, but on inquiry I cannot find that on that or any other occasion men or boats were in danger of perishing through the apathy of the officer in command of the ship.

6. The witness goes on to state that the fishermen "further complain that the steamer is an incumbrance "rather than an assistance, and that she is practically in-"jurious to the promotion of the fishing."

As the only reason given to substantiate this general assertion is, that she is in "the way of beating out of the "bay with certain winds," I pass it by without comment, but I would state in conclusion that in my opinion the witness and the fishermen who agree with him have formed a most erroneous idea of the duty of the steamer protecting the fisheries on this coast.

They appear to imagine that she is here to tow them in calms and contrary winds, and to act solely in their interests. Such is not the case; she is here to see the law carried out, as appears by my evidence, and to render assistance in distress as I have already stated.

I have the honour to remain, sir,
Your obedient humble servant
(Signed) HENRY J. CHALLIS,
Lieutenant Commanding.

E. W. H. Holdsworth Esq.
Secretary to Royal Commission on Fisheries.

No. 43.

EXTRACT from a LETTER from Mr. A. STEPHENS, Owner of a Steam Trawler, to G. SHAW LEFEVRE, Esq., M.P.

"Duncannon, near Waterford,
"April 17, 1865.

"Shortly after the Royal Commissioners were here we were obliged to discontinue working the steamer on account of the opposition we met with from the native fishermen who were jealous of her large takes, and they at the same time could catch very little with their old-fashioned gear.

"They made an attack on her one morning before day, and cut her net away. We followed up a prosecution against some of them, but failed in identification before the magistrates. Large quantities of fish were taken by her, and in excellent condition, which supplied the markets all round, and some went to England.

"They never took any spawn while working. This part of the coast is largely supplied with all kinds of fish during the summer months, which come in from the deep after sprats; and I am sorry to say very little is ever taken by the native fishermen. After you were at Dunmore I went to Hull and purchased two of the largest and best-found trawlers there, value 800*l.* each. I also brought crews of fishermen from Hull, but I am sorry to say they could not be induced to live in this country. While they remained they caught on the Nymph bank large quantities of soles and turbot, which brought a large price. I have them now manned with native fishermen, who are not industrious. Under all the difficulties I had to contend with, they will pay about 52 per cent. on the outlay since they came.

"I induced them to proceed to a greater distance on the Nymph bank the past week, as the fish got scarce near Waterford Harbour. They found in 47 fathoms water a large quantity of turbot, which brought at Waterford 10½*d.* per lb. They return to it again this week.

"Mr. Malcomson and I, who are engaged in this trawling speculation, would largely increase the number of boats if we could get proper fishermen to work them. Unless English fishermen could be got to come on our coast it will be difficult to get on with the natives.

"There are no such soles, turbot, haddock, or whiting on the English ground as we have here."

No. 44.

BOARD OF FISHERIES.

STATEMENTS by the SECRETARY of the BOARD OF FISHERIES, printed and issued by him in 1860, against the restrictive Legislation proposed to be adopted towards the HERRING FISHERIES OF SCOTLAND, and which were actually afterwards adopted in Herring Fisheries Act of 1860.

(1.)

HERRING FISHERIES OF SCOTLAND.

Board of Fisheries, Edinburgh,
20th April 1860.

I. Various statements having recently appeared in most of the public papers reflecting on the conduct of the Board of Fisheries in the matter of trawling for herrings, denial of the truth of these statements is hereby made; in particular that, under the circumstances of the case, the Board have unduly countenanced trawling, or that the officer of the gun-boat stationed in Loch Fyne was left without instructions.

West Coast of Scotland.

II. To dispose at once of the allegations regarding the gun-boat. The other vessels under the orders of the Board being engaged, during last year's fishing, in suppressing most formidable riots among the fishing population at Wick, and in protecting the east coast against the encroachments of foreign fishermen, a gun-boat tender, from H.M.S. "Hogue," at Greenock, was lent to the Board at a moment's notice, upon signs of disturbance springing up among the fishermen in Loch Fyne, in order to support the Fishery officers there. Her commander was not qualified by the Act of Parliament to seize nets, and, from the nature of his commission under the Admiralty, could not be qualified, but he exerted himself to the utmost of his power, and with commendable zeal and ability, to aid the Fishery officers, who were qualified to seize and empowered to do so, and Loch Fyne was kept clear of trawl-nets from Otter Point to Inverary until H.M.S. "Jackal" could arrive from the East coast in command of the naval superintendent, likewise qualified to seize and likewise empowered to do so.

III. This naval superintendent did seize nets, not only in Loch Fyne but also in Kyles of Bute, but the fishermen having cut the nets away when chased, a common practice with them, it was impossible to identify the owners, so as to institute prosecutions; the nets are, however, in the Board's possession, stored at Greenock.

IV. The terms of the present Act put a restriction upon seizures, and have been found to involve the seizing in questions of nice legal issue. Pecuniary penalty of considerable amount, or imprisonment, is the result of conviction, and it must ever be incumbent on a Government board, like the Board of Fisheries, to be clear upon the point not only of the offence but of the offenders; a difficult duty at all times in fishery superintendence, carried on as it has to be during the middle of the night. Implied offence or suspicion are not sufficient to proceed against the persons or their property, proof must be in the hands of the Board, or it would be cast upon trial.

V. The Act having to be applied in many parts of a large area of water at once is another difficulty, as concentration of force is thereby hindered.

The explanations have assumed so far, that *the entire suppression of trawling for herrings* is indispensable to the welfare of the herring fisheries; but—

VI. The Government Commission of Inquiry in 1856 unanimously recommended the discontinuance of the prohibition against trawling, and the repeal of the Act. As their principal reasons they stated—

1. That it is difficult to attach weight to the objections raised against the destruction of herring fry, "when "pleaded by men who use their utmost efforts to catch "herrings *full of spawn;*" the Commission holding "that "a single boat-load of 'full' fish inflicts an immensely "greater injury on the breeding of herrings than could "be done by trawling during a whole year."

(NOTE.—These "full" fish form the great bulk of capture at all the herring fisheries of Scotland, and are the staple of the trade with the Continent.)

2. That in the Firth of Forth along with the herring fry are mixed garvies or sprats, a distinct fish, for which it is legal to fish with any kind of net, and which can only be caught by the trawl-net.

3. That the Act had failed, and that its continuance tended to demoralization.

VII. Cruisers upon the coast of Scotland received in 1858 confidential orders from the Comptroller-General of the Coastguard not to interfere with trawl-nets, in consequence of a change in the Fishery laws being in contemplation.

VIII. Reference is requested to the following comparative return of the produce of the Loch Fyne herring fisheries for 15 years, from 1844 to 1858.

RETURN No. 1, showing the Herrings caught in Loch Fyne, distinguishing the Proportion thereof Cured and the Proportion used Fresh, with the General Average every Five Years:

Years.	BARRELS.						Average every Fifth Year.
	Cured.	Used Fresh.			Total Caught.	Total every Five Years.	
		Shipped in Boxes.	Otherwise disposed of.	Total used Fresh.			
1844	6,986	4,830	2,000	6,830	13,816		
1845	6,923	5,700	2,125	7,825	14,748		
1846	7,210	—	—	10,400	17,610		
1847	4,403	—	—	11,000	15,403		
1848	5,060	—	—	10,500	15,560	77,137	15,427
1849	3,759	11,115	1,000	12,115	15,874		
1850	3,183	8,345	3,440	11,785	14,968		
1851	9,884	18,342	4,500	22,842	32,726		
1852	3,440	4,690	2,500	7,190	10,630		
1853	4,399	13,650	3,500	17,150	21,549	95,747	19,149
1854	4,335	9,664	3,000	12,664	16,999		
1855	7,550	14,616	2,195	16,811	24,361		
1856	10,553	18,385	2,485	20,870	31,423		
1857	7,910	16,682	2,230	18,912	26,822		
1858	11,884	15,054	2,330	17,384	29,268	128,873	25,774
1859*	10,046	14,783	2,335	17,118	27,164		

General average, 1844 to 1848 inclusive - 15,427 barrels.
Do. 1849 to 1853 do. - - 19,149 „
Do. 1854 to 1858 do. - - 25,774 „

I hereby certify that the above account is just and true to the best of my knowledge and belief.

(Signed) LAWRENCE LAMB,
Assistant-Inspector.

Office for the Fisheries, Greenock, 12th April 1860.

NOTE.—The herrings in boxes being lightly salted, technically called "royalled," for carriage in steamboats and railways, fall under the title of "cured" in the Board's Annual Returns; but commonly, on arrival at market, the salt is got rid of, and they are used as fresh.

In examining this return, the great falling off in produce of the year 1852 will draw attention. It was the first year of administering the present Act, which was passed in 1851. The year 1852 was the one of most stringent repression of trawling. It is marked by diminution of produce—the whole produce being only 10,630 barrels—the lowest catch of any year in the return, and but half the average catch of the 15 classified years from 1844 to 1858. How far this is to be attributed to the suppression of trawling, or how far to a scarcity of fish felt at many stations that year, is one of the fishery problems that never can be solved. It is certain, however, that the trawlers were kept down, and far from being in their previous force.

The year 1853 was likewise a year of repression, but less effective from a casualty which happened to one of the superintending boats of H.M.S. "Porcupine." The year 1854 was a year of repression, and also of small produce; the repression, however, became more difficult by reason of the Russian war carrying off the superintending steamer. In 1855 and 1856 trawling revived. The returns of those years were good. Then came the recommendation of the commissioners of inquiry, already adverted to, for repeal of the Act, since which the question has unavoidably stood in some sort of abeyance.

Annexed is a return commencing from the year 1853, showing out of the boxes shipped what proportion of the herrings had been caught by drift-boats and what by trawl-boats. In 1853 means were taken to have these proportions accurately ascertained, a work of so much labour and expense that it was not continued in succeeding years; but taking the relative proportion of herrings sent from the two sets of boats in 1853 as a basis of calculation, the return is carried on year by year, and here presented.

* Unpublished.

RETURN No. 2, showing out of the Boxes of Herrings shipped from Loch Fyne, the proportion caught by Drift Boats and the Proportion caught by Trawl Boats, commencing with the year 1853.

Years.	BARRELS.		
	Caught by Drift Boats.	Caught by Trawl Boats.	Total shipped in Boxes.
1853	9,790	3,860	13,650
1854	5,364	4,300	9,664
1855	5,856	8,760	14,616
1856	7,955	10,430	18,385
1857	7,552	9,130	16,682
1858	7,104	7,950	15,054
1859	7,653	7,130	14,783

Office for the Fisheries, Greenock, 17th April 1860.

LAURCE. LAMB, Assistant Inspector.

Taking the same five-yearly periods as in return No. 1, the produce of the herring fisheries of the west coast of Scotland has been—

From 1844 to 1848 - - 490,564 barrels.
„ 1849 to 1853 - - 575,774 „
„ 1854 to 1858 - - 576,482 „

East Coast of Scotland.

The produce from the east coast of Scotland has been—

From 1844 to 1848 - - 2,539,839 barrels.
„ 1849 to 1853 - - 3,058,260 „
„ 1854 to 1858 - - 3,016,322 „

IX. Trawling for herrings is practised upon the east coast of Scotland only in winter, and scarcely anywhere else but in the upper parts of the Firth of Forth, above Leith. The garvie or sprat occupies this ground in common with full-sized and young herring; the garvie frequents rather the higher parts of the Firth, where, in the passage at Queensferry, is an island, called from old times Inch Garvie, or Garvie Island, showing that it derived its name from the abundance of that fish about it. Sprat fishing is free over the whole coasts of England, and so it is in Scotland; but as the sprat mixes with the young herring, for the Board to apply the Act prohibiting trawling in all its stringency to the sprat-fishing, because of this mixture of young herrings, is virtually to suppress sprat-fishing altogether. The fish itself is the food of the poor, the fishing the occupation of the poorest class of fishermen. This will be seen at once by the relative prices. In the district adverted to the average price this year of a cran of herrings was 42*s.*, and the average price of a cran of sprats, 10*s.* 6*d.*; yet, with this great difference in price, the total value of the produce from the sprat-boats has been about 4,500*l.*; while the value of the produce from the drift-net herring-boats has been only about 3,800*l.* It thus appears that at sale prices, one-fourth the price of the herring, the garvie or sprat fishery, which is so decried, has proved the more valuable of the two. On the other hand, it certainly might be theoretically advanced, that if the sprat-fishing were to be abolished the Leith or Queensferry winter herring-fishing would rise to the value of the Anstruther, elsewhere estimated at 25,000*l.*; but from the name so long held by the island, and from the recurring appearance of the sprats there, it may be more fairly surmised that there are essential distinctions which constitute that part of the Firth "sprat ground." The sprat, besides being an exceedingly cheap and acceptable food to the poor, is the finest bait that can be got for cod, haddock, whiting, and white fish of all kinds.

X. The Board of Fisheries, under the pressure of the Act, having been compelled to seize sprat-nets at the mixed herring fishery, the owners, acting on advice of counsel of eminence, pleaded wrongful seizure, and prepared to take out interdict of court against the Board. Upon the recommendation of the Lord Advocate, until modification of the Act could be obtained, a boundary was temporarily established in the Firth of Forth, beyond which sprat fishermen could fish without challenge, and herring fishermen go if they chose, which being carefully watched by a superintending force perfect peace was restored.

XI. It has been asserted that this trawling for sprats in the Firth of Forth destroys the herring fishery, and of the fishing at Dunbar, at the mouth of the Firth, it is stated that "by the permission of trawl-net and circle-net fishing, a single herring cannot be got at places there, where 4000 or 5000 have formerly been seen to be got." (*See the extracts at the end of this paper from the Glasgow meeting.*

What foundation there can be for this assertion the following paragraphs from the "Scotsman" of the day will show; it being premised that trawling, whether for sprats

or herrings, is never practised at Dunbar, nor nearer than from twenty to thirty miles higher up the Firth.

"Scotsman," February 21, 1857.

"DUNBAR HERRING FISHING, February 19. — The fishing is being prosecuted with great vigour. On Wednesday a great many boats entered the harbour with heavy shots, as high as twenty crans, and sold for 21*s.* per cran. This morning many boats appear to be making for Dunbar."

"Scotsman," August 20, 1857.

"DUNBAR HERRING FISHING, August 19.—On Tuesday boat after boat came in with 30 to 60 crans each, which sold from 20*s.* to 28*s.* per cran. The fishing was both to the east and the west. This morning the few boats that have come in are all similarly fished, and have sold at 22*s.* to 25*s.* At the present moment there are a great many boats lying on the outside heavily fished, but they cannot enter the harbour for want of water; while, in the distance to the east and west, a large fleet of boats is making for Dunbar, their hulls lying low, therefore indicating heavy cargoes. Several of the boats yesterday discharged to the amount of 75*l.* each."

"Scotsman," August 10, 1858.

"DUNBAR HERRING FISHING, Saturday, August 7.—The boats were all well fished; about 150, however, only discharged at this harbour, while there would not be less than 1000 boats fishing in the bay."

"Scotsman," September 7, 1858.

"Forward to 9 o'clock, every boat that has reached the harbour mouth is laden to the gunwale; and in the distance, are seen an immense number of boats making for here and the Fife Coast, apparently heavy. Prices commenced at 27*s.* 6*d.*, but are now 20*s.* Such a day's fishing has not been at Dunbar since 1823, when the fish were sold at 1*s.* per cartload for manure. It is believed, however, that the quantities taken to-day are beyond what was taken on that hitherto unprecedented day's fishing, which took place on a Saturday, curing being continued on the Sunday until church time. From the resources of the railway, and the 'empties' in the hands of the buyers, the whole will this year be secured for human food. There was sent last week from here by the North British Railway to the fresh markets, as under—South, 520 tons; West, 320 tons—840 tons of fresh herrings."

In 1859, Victoria Harbour, the great fishing harbour at Dunbar, was closed for repairs and improvements, and still remains closed.

Anstruther in Fife, where also trawling for either sprats or herrings is never practised, and which is likewise from 20 to 30 miles below the sprat ground, lies just opposite to Dunbar, at some miles distance; it may be said that it almost has one common fishing range with Dunbar.

The following is the summary from the Fishery Officer at Anstruther of the winter's herring-fishing of 1859-60, just concluded, that particular fishing which is represented as being destroyed by the simultaneous sprat-fishing in the upper parts of the Firth, as to which the Board is criticised for having this season permitted a temporary boundary to be established.

Fishery Office, Anstruther,
SIR, 11th April 1860.

I BEG to inform you, that since the date of my last weekly report, of the 24th ultimo, a good many boats continued the herring-fishing, and about 500 crans have been caught since the above date, which mostly all have been used by the fishermen themselves as bait for the great line-fishing. This, however, brings up the gross catch to 14,465 crans, being more than double the average of the preceding five winter fishings.

With this plentiful supply of herring bait immense quantities of all kinds of white fish have been caught, cod, ling, skate, and halibut. The takes were sold as soon as landed, and the amouut realized by each boat varied from 15*l.* to 35*l.* The fishermen of the district have earned a large sum of money by the various fishings this winter.

(Signed) GEORGE REIACH,
To the Hon. B. F. Primrose, Fishery Officer.
Secretary.

The value of the herrings alone landed from this fishery could not have been under 25,000*l.*

What then becomes of a theory that pictures the whole sea board of Scotland as affected and deteriorated by this trawling for sprats in the upper parts of the Firth of Forth, when to all appearance it does not in the least disturb the herring-fishings carried on upon both sides at its mouth, not above 30 miles off? Still more, what can be said of statements and petitions prepared so as to lead Parliament and the public into the belief, that from the apathy of the Board of Fisheries and the asserted immunity given to herring trawlers, the whole coasts of Scotland are ravaged by illegal trawling for herrings (*see* Glasgow Meeting, and its Petitions and Pamphlets), when, from Berwick round to Solway Firth, trawling for herrings is unknown except in the estuaries of Clyde with its adjacent lochs, and the Firth of Forth, (in the latter indeed only at its head above Leith), unless it may be by some rare and insignificant attempts of a few boats in Beauly Firth about Kessock Ferry near Inverness, and by a very few others about Sound of Jura, in Argyllshire; trawling, as a mode of fishing for herrings in the open sea, being impracticable and never seen.

Summary.

The question is one not for the trade only, but of deep interest to the consumer—to the general consumer in the metropolis and in the large towns of Glasgow, Liverpool, Birmingham, Manchester, Bradford, &c. &c., to the hard-wrought operatives, for whom the board has earnestly desired to preserve the cheap supplies of fish they so much enjoy. Already it has been shown that the sea-coast herring fishery is different in its characteristics from the loch or estuary fishery. Scotland is begirt with these lochs and estuaries. A glance at the map will show the difference between its coast line and that of England, particularly as regards the west coast of Scotland. Many of these lochs and estuaries swarm with herrings, but the varieties of the fish are so great (*see* Glasgow Meeting) and their seasons so different, or else the habits of the fish are so fickle and capricious, and it may be so unknown to us, that no one fixed law, nor any one kind or mesh of net, can suit them all.

A power of regulation upon inquiry, therefore, is what is required, adapted to the three following specialties:

1. Peculiarity of fish or seasons.
2. Character of the fishing grounds.
3. Police.

Each of these requires its own special arrangement. Herein it seems that the Commission of Inquiry came to too abrupt and summary a decision. In escaping from one difficulty they would have fallen into another as bad. It cannot be consistent with the due protection of drift-net property of great value, and fairly and of right laid out to fish within narrow waters through long dark nights, to allow it to be broken in upon by sweeping trawl-nets without check or control; yet such would be the result of instant and complete repeal of the Act. Instead of less control, more is required with greater simplicity of proof. As respects the investigation made by the Commission of Inquiry, their stay was limited, and it was not possible for them to visit all the fishings. Thus, as the Commission terminated its inspection before the end of summer, the autumn and winter fishings of the estuaries could be judged of only by hearsay. In fishery matters the difference between personal observation and proffered evidence is enormous. Certainly experience and close comparison are necessary to unravel the intricacies of fishery questions. Events have shown that the excitement among fishermen upon this matter of trawling is deeper, more intense, and more widely spread than the Commission gave it credit for, and that their recommendation of total repeal of the Act would bring on at once the headstrong conflicts they deprecate. Far better to take advantage of the present opportunity so to adapt the legislation as that an equitable adjustment may be come to, derived from the nature of the case and the configuration of the waters; and by clearly-defined regulations, with corresponding powers of enforcement and simplicity of action, to attain a solution that shall call for no more surrender than what is indispensable for the public peace and the preservation of property; providing also, as our common interest, that by temporary but moderate restrictions upon fishing the valuable resources of the land-locked estuaries shall be so protected as to enable their produce to be matured and brought forth in abundance and perfection, to the augmentation of the national wealth and the happiness of all classes of society.

B. F. PRIMROSE.

NOTE.—As bearing upon the general returns of the herring fisheries upon the west coast and east coast of Scotland, furnished in the above paper, it is necessary to remark with respect to any statement that may be put forth assuming a falling off in the number of boats or fishermen employed there, derived from comparison of the returns of boats and fishermen rendered by the Board of Fisheries to Parliament; that

All such returns previous to and including 1849 contained returns of certain English stations therein enumerated; a true comparison therefore must commence with the year 1850.

It stands thus:

	Boats.	Fishermen.
1850 - - - -	9,965	37,716
1858 - - - -	11,963	40,732
1859* - - - -	12,228	40,612

The size of the boats is increasing every year, and their build and the whole of their equipment, very greatly improving.

(2.)

The Trawl.

The Lord Advocate's Bill.

Extracts from Statements made at the great Public Meeting held at Glasgow, on the 27th of March 1860, taken from a printed copy of the proceedings, which has been carefully made up as a pamphlet and circulated by the Committee among members of Parliament, as well as in every other quarter.

Also Copy of Petition to Parliament, which has been printed and sent to every fishing town and village, and Signatures to it earnestly pressed for and collected.

A meeting of parties interested in the herring-fishing in Scotland, particularly on the west coast, was held on Tuesday, the 27th March, in the Religious Institution Rooms, Glasgow, David Dunn, Esq., in the chair. There was a large attendance, and among those present we observed—Sir James Campbell of Stracathro, Baillie Clouston, Councillor Moir, Councillor Ure, Mr. John Jamieson, Mr. Alexander Morrison, Mr. Colin M'Ewen, Mr. James Dunn, Mr. D. M'Ewen, Mr. James Methuen, from Leith; Mr. John Hunter, Greenock; Mr. John M'Lean, Greenock; Mr. Archibald Baxter, Greenock; Mr. Neil Jamieson, Rothesay; Mr. Lewis M'Donald, Helensburgh; Mr. William Younger, Inverary; Mr. Martin Munro, Inveraray; Mr. D. Munro, Inverary; Mr. D. Bell, Strachur, &c.; and many fishermen from Loch Fyne.

The Chairman then said—The object of this meeting is to devise some means of putting down trawling for herrings on our coast, and along Scotland as a whole. Mr. Methuen, as a deputation from the East Coast, is here, and he has a plan which might be brought in as a bill for Scotland. We have a bill of our own, framed for ourselves, and we want the entire abolition of the present Fishery Board, if it is in our power to get a Board of our own. I have great pleasure in introducing to you Mr. James Methuen, from Leith. He is a gentleman who stands at the head of the tree, and he is the largest curer in Scotland, if not in the world; and from his experience and his knowledge he will be able to impart something on the point to us.

Mr. Methuen, fish curer, Leith, came forward and said—The fisheries of Scotland have been from time immemorial the principal source of her wealth. . . . . Therefore, to trifle with such a source of wealth in any way would be doing away with all that we have learned from all the Acts of Parliament that have been framed. . . . . The permission of trawling and circle-net fishing, by which myriads of herring fry are destroyed, is exterminating the herrings from our coast. The Swedish fisheries have been destroyed by the very same means, and formerly they got some 3,000,000 of barrels of herrings, where now they cannot get 3000 barrels every year; and the reason simply is, on account of their destroying the fish wholesale, and leaving such large quantities of them to lie rotting at the bottom. The same thing has occurred at Dunbar, and I know that a single herring cannot be got at places there, where I have seen 4000 or 5000 got. The existing Act referred to (14th and 15th Victoria, cap. 26), forbids the use or possession of all trawl, or circle-nets, or drag-nets "for the purpose of taking herrings," but their use ought not to be permitted for any kind of fishing whatsoever. The so-called sprat or garvie fishing has been permitted by the Board. . . . . As the estuaries are the winter refuge of all the herrings frequenting the outer seaboard the consequence is that the entire coast is robbed of shoals of these fish, which would otherwise form a fruitful source of wealth to the country, and go far towards the mitigation, if not the complete removal, of the miseries which the fishing population have of late years endured. . . . . The clause above quoted is quite opposed to the general views of those practically conversant with the fisheries, who have found by experience that nothing short of an explicit, stringent, and peremptory Act will answer the desired end; that the office of the Board should be solely and simply to put that Act in force; and that they should be deemed incompetent for their office if they display neglect in such enforcement. I may mention, that wherever herrings are exterminated all the other fish disappear. That fact would be a good bait for the members of Parliament and others to oppose the bill. . . . . I hold that we ought to have practical men to support the views that should be carried out. We should have nothing to do with men who are not practical, who may be interested parties, lairds, proprietors, and residents, whose views to-day may be influenced one way, and influenced another way to-morrow by a dinner or anything else. We should have men who have retired from the fishing business, and who would not be biassed at all, and not mere theorists. . . . . Mr. Methuen concluded by moving—That the promotion, or even preservation of the fisheries can only be secured by the following provisions:—1. That all trawling and circle-net fishing be strictly prohibited. 2. That in order to abolish such systems, any nets below one inch from knot to knot, or any net other than the regular drift-net, or any drift-net used in manner of trawling, or any boat employed in such fishing, be liable to forfeiture, and the possessor liable to a heavy penalty. 3. That, to take away all encouragements to the prosecution of such fishings, it should be illegal to buy, possess, sell, or traffic in any herrings so caught; and that all vehicles, implements, and other articles used in the buying, selling, or transporting such fish, should be subject to seizure, and their owners to penalty. 4. That such prohibition should apply to all Scotland and the islands, and be unconditional in respect of time.

Mr. John M'Lean, fish curer, Greenock, seconded the motion, in doing which he said he agreed with all that Mr. Methuen had said in regard to the evils of trawling, which he believed would be the means of exterminating the herring. He remembered, that in 1817—[Explanation: That was when there were no rapid communications and consequently no fresh trade. Steamboats were then in their infancy, and railroads unknown]—he was a cooper in a sloop which went, about the beginning of July, to the curing of herrings in Loch Fyne. At that time there were some 20, 30, 40, and even 50 sail of sloops, lying in one day in Loch Fyne, and they came from various parts of Scotland. In the vessel in which he was they cured from 1200 to 1400 barrels. Every year since the introduction of the trawling, the curing had worn away to what it was now.

Mr. Martin Munro, fisherman from Loch Fyne, spoke.

The motion was then adopted.

Mr. John Jamieson, fish curer. . . . . I cannot pretend to much experience, but I have it from one long engaged in the Highland fishing, and who is a keen observer, and it is his opinion that the prosecution of the fishing at Stornoway (in the Hebrides) has somewhat to do with the falling off of the east coast fishing, and if it does not exterminate, will at least fatally injure that fishing. . . . . If such a course is pursued year after year, woe betide our Loch Fyne fisheries; and surely we have not become so utterly selfish as to take up the last vestiges of the species from our shores, and thus deprive future generations of that highly-prized article of food commonly known as a "Glasgow magistrate." When I regard such a meeting as the present, the question suggests itself, what is its meaning?

Mr. John Hunter, fish curer, Greenock said— . . . The gentlemen who have already addressed you have most ably shown that trawling for herring is most destructive to the brood, that it has already deteriorated the quality of the fish, and will, if persevered in, extirpate, as far as man can extirpate, this valuable article of food. . . . . There are gentlemen in this room engaged in the sale of the article, who, if you were to bring into their premises a dozen barrels of herring, caught and cured in as many lochs or other fishing grounds on the west coast, could tell you at a glance where each of the barrels came from. Yea, more, they could tell you pretty nearly in what month they were fished. In Loch Fyne, a herring caught above Otter is different from the herring caught at Ardrishaig or Tarbert; and on the coast of Arran, a herring caught in the sound of Kilbrannan is a very different article from one caught between Sannox and the Cumbraes. . . . . Further, herring caught on the west coast of Cantyre, and round Islay and Jura, are a very different fish from those caught in Locheil and that district. A Lochnevis herring is different from a Loch Duich or a Loch Broom herring. Those caught on the west coast of Skye are very different from those taken at Scalpa, Broadford, or Portree, on the east. Even those caught near Portree are different from another eye you may fall in with at the same time in its neighbourhood, off Rona. The quality of Loch Broom differs from that of Gairloch and Glendhu, and the herring got inside of these lochs are not the same as those got on the outside and near their mouths. . . . . It is enough to make one's blood boil to see hundreds of tons of infant herring caught, as if the Fishery Board, who wink at the system, were determined, like Pharaoh of old,

* Unpublished.

to extirpate what God in his providence had determined should exist for the good of all nations. "Glasgow magistrates" are as useful in their ways, now-a-days, as were the Hebrews of old; and now, as then, I believe the existing Pharaohs will be baffled in their designs; for the avowed wish of the Board to legalize trawling must and will result in the complete abrogation of the murderous system. Having thus trespassed too much on your time, I will now read my motion:—"That the enforcement of the laws against illegal fishing—[Explanation: *i.e.* with all the above essential variety in the herring, to stick rigidly to one size of mesh, and one description of net]—be entrusted to a Board, partly composed of fish curers, with the assistance of the local authorities, the constabulary, the coastguard, the inland revenue service, and Her Majesty's navy, out of which to form a marine police to enforce the provisions against trawling, &c." . . . . I can see no reason why the sheriffs and the justices of the peace, and the magistrates for burghs, should not be entrusted with the execution of these laws. Certain I am that they understand better what is for the interests of their various localities than the Fishery Board seem to do. And if our local magistracy can be entrusted with the suppression of other crimes, why not also with this most heinous offence this massacreing of the innocents, and destruction of the food of the people?

Mr. Wm. Younger, writer, Inverary, seconded the motion, He said—The drift-net fishermen began to see that if this course of conduct was allowed to be pursued with impunity the chances were that the herring would be exterminated, because they discovered that where the trawlers had been pursuing their avocations with greater zeal, and where the herrings had previously been caught in great numbers, they had deserted the place entirely.

Mr. Peter Mackenzie expressed his opinion that in this matter the Lord Advocate had been guilty of a gross dereliction of his public duty, and that the Fishery Board had been guilty of a greater dereliction of duty. He read a clause from the Police Act, showing that all vendors of unsound or unwholesome fish were liable to be apprehended, and, if convicted, fined 10*l.*; and recommended that such a case should be tried.

Mr. Methuen concurred in these remarks, and referred to the boundary line fixed by the Fishery Board for catching sprats, which he said were taken at the rate of from 50,000 to 100,000 per boat per day. They were sent to London in two days without a single particle of salt on them. They were told by the bills of mortality that deaths had been unusually numerous this year in London, and *that might in a great measure be attributed to the unwholesome sprats sent from the Firth of Forth.*

Mr. M'Ewen, fish curer, Glasgow, seconded the motion, which was adopted.

Mr. James Fullarton, Saltcoats, said he heartily approved of all their proceedings to-day. In the place where he resided he saw this morning about 20 skiffs coming in from trawling, which they practised every night that they could get out. The herrings were in demand, and even Glasgow people had their agents there to buy them. A few weeks ago petitions were got up in Saltcoats, not against trawling, but in favour of it. These petitions were largely signed, and headed by the parish minister.

On the motion of Mr. James Dunn, a large and influential committee was appointed to take the necessary steps to carry out the resolutions and secure the object of the meeting.

From the "Glasgow Herald" of Wednesday, March 28, 1860:—

"We would beg to call attention, with some earnestness, to the report of a public meeting held here yesterday, of those interested in the Scottish herring and other fisheries. It embraced curers and wholesale fish-dealers from Glasgow, Greenock, Leith, and other localities, along with fishermen from Loch Fyne, and was, altogether, the largest and the best representative meeting of all that concerns our fisheries which has ever been held in Scotland. A vast deal of painfully interesting information regarding the operations of the trawl was submitted, and this meeting, composed, as we have said, of thoroughly informed and practical men, declared in one voice, that the use of this odious net had already vastly lessened the productiveness of the fishing, and that its continuance would, at a period not far distant, banish the herring from our coasts, or extirpate it altogether. . . . The meeting on Tuesday, regarding the crisis as a most urgent one, did not mince the matter. . . . The members of the Board are personally gentlemen of eminence and respectability; but they have been selected in a holiday fashion, and any man who chooses to peruse the list in the "Edinburgh Almanack" may see at a glance that they are totally unsuited for the discharge of the duties entrusted to them. No one questions the ability or honesty of men like the Lord Justice-Clerk, Lord Jerviswoode, the Lord Advocate, or Dr. Lyon Playfair, but they have something else to do than to look after the herring. The commissioners are all honourable men; but not one of them is a practical man. . . .

"It may be held that those who took a part in Tuesday's proceedings were uttering statements of an unnecessarily alarming character. In sober truth, the public cannot be too much alarmed on the subject. By a process exactly similar to that now followed on the west coast, with the perfect knowledge and apparent concurrence of the Fishery Board, the herring has been driven from many shores where it was formerly taken in vast abundance. Mr. Methuen fortified his argument by an historical fact of singular significance. He stated that in a bygone age the fisheries of Sweden were so productive that they had furnished from time to time millions of barrels; but the Swedes were allowed to harry sea and shore, just as the fishermen of Tarbert and Ballantrae are harrying on our own coasts now; and the result is that the Swedish fisheries now barely produce three thousand barrels a year. By the same process, the Dunbar fishing, on our own east coast, which used to return six hundred barrels per diem, is now often altogether unproductive. . . . Altogether, the case for the stern repression of the trawl is one of a most clamant character. We recommend the revelations at the meeting to the consideration of Mr. Bouverie Primrose. If they do not enlighten him as to the merits of his friends, the trawlers, then will he not be convinced though one should rise from the dead.

"Numerous letters and articles of this kind have appeared in rapid succession in all the Glasgow papers, and most of the Edinburgh papers; in the papers of Wick upon the extreme north coast of Scotland, and the papers of the whole east and west coasts, as also in the "Times," "Morning Post," &c., &c.; some of them directly, and others indirectly, proceeding from this committee.

(Copy of the Petition.)

"Unto the Honourable the Commons of the United Kingdom of Great Britain and Ireland, in Parliament Assembled.

"The humble petition of the undersigned Merchants, Manufacturers, and others, inhabitants of the town of

"Sheweth,—That a bill has been introduced into, and is now pending in, your honourable house, entitled a bill 'to amend the Laws relative to the Scottish Herring Fisheries.'

"That by section third of said Bill it is proposed to give power to the Commissioners of the Board of Fisheries in Scotland by regulations to suspend for such periods and in such localities as they think proper the present Acts to prevent the use of trawl-nets for the purpose of taking herrings.

"That your petitioners view with alarm the granting of such powers to the Commissioners of the Board of Fisheries, consisting of gentlemen not practically conversant with the herring trade—the effect of giving them such powers being tantamount to the practical abolition of the present Acts prohibiting the use of trawl-nets in taking herrings.

"That by the present law, and particularly by the Act 14 and 15 Victoria, cap. 26, section 6, it is enacted—'That whenever the herring fishery is commenced or carried on, it shall not be lawful for any person to use, for the purpose of taking herrings, any drag-net or sea-net mounted for trawling, or any sweep, circle, ring-net, or scringe-net, or any net of any kind or description whatsoever, other than the usual drift-net, or to use any drift-net by dragging the same through the water in the manner of trawling;' and power is given by the said Act to the officers of the Board of Fisheries to seize all such nets.

"That these nets are practically in abeyance, in consequence of their not having been enforced by the officers of the Board of Fisheries, who, instead of preventing, have permitted and even encouraged the use of the trawl-nets in the taking of herrings; and trawl and other illegal nets for taking herrings have for some years past been openly and publicly used.

"That the foresaid Bill, if allowed to pass into a law, would in the opinion of your petitioners practically abolish the present protection to the herring fishery, imperfect as it is, as, from their experience of the past, your petitioners have no confidence that the Commissioners of the Board of Fisheries will for the future encourage the herring fishery or enforce any laws that may be passed by Parliament for preventing the destruction of the herring.

"That the herring fishery is of great national importance, in Scotland it gives employment to about 100,000 persons

engaged in the fishing, curing, and sale of herrings. It also forms a very important part of the food of the people, being both cheap, and, in the proper season, wholesome.

"That all herrings caught between the months of December and end of May on the west coast, and on the east coast between end of February and end of May, are out of season and very inferior, being either not full grown or in a state quite unfit for human food.

"That the use of trawl and other illegal nets is universally condemned by all parties practically acquainted with the trade, and will, if persisted in, not only eventually destroy altogether that valuable source of wealth—herring-fishing in Scotland—but also materially injure the other fishings; as it is well known that in places where the herrings are being exterminated all other fish have been forced to seek their food elsewhere, consequently haddocks and other fish are so scarce as to be double the price they were before trawling commenced.

"That these illegal nets are objectionable, because—1st, They take herrings immature and half grown, the greater number of which being unfit for human food, and such being for the most part sent to London, occupying about two days in transit, must injure the public health in the metropolis. Since the month of December last, on the west coast, boat-loads of these herrings, barely the size of sprats, have been daily taken and sold at the price of 9*d.* per thousand. If allowed to reach maturity, in the month of June, these herrings would have sold for 10*l.* per thousand. 2d. They break up and separate the shoals of herrings, and drive them from their usual spawning grounds. To such an extent has this occurred, that numerous parts of the coast where the fishing was some years ago excellent, are now entirely deserted by the herring. 3d. They ruin and destroy the spawning beds of all fish by dragging up the spawn. 4th. They injure the herrings taken by it so materially as to render them almost unfit for curing. 5th. A very great number of the herring killed by the trawl are entirely lost, and left in the sea to rot. 6th. They prevent the use of the drift-net in narrow waters, as from the manner in which the trawl is wrought the drift-nets are torn and destroyed. 7th. The beam-trawl drags up all spawn of fish, therefore no trawling whatever of any kind (with the exception of oysters) should be permitted within three miles of the coast of Scotland at any time.

"That in the opinion of your petitioners it is essential for the preservation of the herring-fishing in Scotland that the use in the taking of herrings of all trawling-nets, circle-nets, and any other net than the regular drift-net, at least an inch in width from knot to knot in the mesh, should be prohibited; and that the nets so prohibited, when used, should be liable to forfeiture, and heavy penalties inflicted on the possessors and users of such nets; also, that all traffic should be prohibited, and the buyers and sellers thereof rendered liable in penalties.

"That it is also your petitioners' opinion, that to encourage the growth of herrings, and the preservation of the fishings, there should be a close-time from 31st December to 31st May over the whole of Scotland, with the exception of the Firth of Forth, for which the close-time should be from 28th February to 31st May, within which periods the taking of herrings should be prohibited under stringent penalties.

"That the present Board of Fisheries be abolished because it has nullified the 6th clause of the Act 14th and 15th Victoria, cap. 26, by allowing trawling, and thereby has been the means of destroying the fisheries, and injuring the livelihood of 100,000 individuals who are dependent on the fisheries for their subsistence; and because they have without any Act, and in contravention of all existing Acts, established a boundary line in the Firth of Forth, from Cramond Creek to Braefoot Point, in Fife, above which trawling is permitted ostensibly for the catching of garvies, only herring fishing being allowed below said line; while it is notorious that this boundary line does not mark any actual line of demarcation between herring ground and garvie ground. Some large herrings have been caught during the whole fishing season above that line, and myriads of small herrings having been destroyed by the trawl thus encouraged.

"That another Board of seven practical men be appointed by deputation from the Fishery districts to carry the Acts into force, with the assistance of the Fishery officers and others whom they shall appoint.

May it therefore please your Honourable House not to pass said Bill into law, but to pass such measures as will to your Honourable House appear in your wisdom to be necessary and sufficient to prevent the evils complained of.

And your Petitioners will ever pray.

(3).

SUPPLEMENT.

Board of Fisheries, Edinburgh,
24th April 1860.

The Glasgow committee who, to give weight to their statement (*see* "Scotsman" of 23d instant), append their names to it as follow:

David Gunn, Glasgow, (Chairman).
James Methuen, Leith.
Colin M'Ewen, Glasgow.
John Jamieson, Glasgow.
Alexander Morrison, Glasgow.
Daniel M'Ewen, Glasgow.
David Colville, Port-Glasgow,
John Hunter, Greenock.
James Dunn, Glasgow.

represent that (owing to the assumed neglect of the Fishery Board about trawling for herrings) the number of boats and fishermen employed at the fisheries of Scotland has fallen thus—

Year.	Boats.	Fishermen.
1849 - - -	14,962	59,792
1858 - - -	12,516	43,072

having reckoned, in 1849, as Scotch boats and fishermen the following:—

Stations.	Boats.	Fishermen.
Bristol - - -	193	500
Isle of Man - - -	605	3,865
Liverpool - - -	371	1,838
St. Ives - - -	940	3.233
Whitehaven - -	245	793
London - - -	626	2,826
North Sunderland - -	576	1,238
Whitby - - -	283	950
Yarmouth - - -	859	5,216
	4,698	20,459

Surely trawling never exceeded this trawling—the trawling at one haul of 4,698 boats and 20,459 fishermen—the latter at least no sprats; and the appropriating as Scotch the great English fisheries at Yarmouth and St. Ives.

This would be simply comical, were not the effects of such statements calculated to be most serious and disastrous upon the fisheries. From all time fishing seasons have been far more variable and uncertain than harvests, and cannot, as they can, be previously seen and prepared for. All about them is at best but pure guess.

Such statements then, cannot fail but to have the following results upon the Scotch fisheries; results which every one truly interested in their welfare must deplore.

First, they agitate the trade, unavoidably a very speculative one, with false alarm, and paralyse the making the needful provision for carrying on the several fishings.

Second, by falsely depreciating the progress of the fisheries, they make it far more difficult for the Board of Fisheries to encourage and raise money from private sources for sea-works of inestimable value to the fishing and seafaring population. and of no slight national importance also.

Third, they put again in abeyance questions already examined on the spot by Government Commissions at great expense to the country—first in 1849, and again in 1856, and disposed of by Act of Parliament in 1858; thereby throwing into disturbance the course of business of the fishing community, upon which they have entered into large pecuniary engagements.

And all this is done upon theoretical objections to a particular mode of catching herrings, erroneously called "trawling," but which ought to be called "seining," never practised except—

1. In the Firth of Forth, taking in an extreme range from Alloa to Leith, a distance of about 25 miles, the produce of which in winter of 1859-60 was:—

Large herrings, - -	1,737	crans or barrels.
Mixed do. large and small,	5,090	do.
Garvies or sprats -	4,381	do.
Total -	11,208	crans or barrels.

That is, counting every herring, whether large or mixed, no more than 6,827 crans of herrings, upon a gross east coast produce of 570,963 barrels, the east coast produce of 1858, which was an average year; and,

2. In Loch Fyne, from its head to Skipness point, a distance of about fifty miles, as also partially in Firth of Clyde down to Mull of Cantyre and Corsewall Point, the two promontories forming its entrance; affecting in Loch Fyne, where it is most extensively practised, a fishing which, by the Fishery returns, produces only annually a quantity varying from 13,000 to 33,000 barrels of gross produce out of a gross west coast produce of 101,959 barrels, the west coast produce of 1858, an average year; the said lesser quantity of 13,000 barrels having been the quantity taken when this seining for herrings was not prohibited by Act of Parliament but free, yet so little in vogue as to be scarcely known, and which did not reach any height of consequence till the years 1847 or 1848.

This too, in the face of the incontrovertible fact advanced in my statement of the 20th instant, that the "seining" at the head of the Firth of Forth does not affect the fishings at its mouth. Let any one look at the map of the coasts of Scotland from Tweed to Solway Firth, and having isolated the estuaries of Firth of Forth and Firth of Clyde, (where, be it remembered, drift-net fishing goes on largely indeed in greater proportion of boats and nets, along with seining), and then consider how upon this statement of facts, the "seining" complained of can ruin the herring fisheries of the rest of the coasts, invariably carried on by pure drift-nets of one inch from knot to knot.

Having thus warned the country of what is going on, and how they, by lending themselves to clamour, may sacrifice fisheries unquestionably at present progressive and prosperous, though inevitably subject to the alternations of seasons, I shall not recur to the subject unless ordered to do so.

I append true comparative returns of fishing-boats and fishermen—

SCOTLAND.

Year.	Boats.	Fishermen.
1849 - - -	10,264	39,333
1850 - - -	9,965	37,716
1858 - - -	11,963	40.732
1859* - - -	12,228	40,612

The size of the boats is increasing every year, and their build and the whole of their equipment, as well as the condition of the fishermen, very greatly improving.

(Signed) B. F. PRIMROSE.

(4.)

RETURN of the SUMS received by the BOARD OF FISHERIES in SCOTLAND for the year ended 31st March 1864, under the several heads of the Board's Expenditure, viz.:

Salaries - - - - - - -	£5,680	5	1
Pensions - - - - - - -	1,245	15	0
Travelling and incidental expenses - -	862	14	6
Law - - - - - - - - -	208	19	11
Police - - - - - - - -	922	5	6
Printing and stationery - - - -	69	12	10
Assessments - - - - - -	225	15	2
Miscellaneous - - - - - -	202	4	9
Marine Department - - - - -	2,158	5	5
Postages - - - - - - - -	17	13	10
Incidents - - - - - - - -	8	15	0
Fishery harbours (the Parliamentary grant) -	3,000	0	0
	£14,602	7	0

(Signed) B. F. PRIMROSE,
Secretary.
Board of Fisheries,
Edinburgh, 25th July 1864.

* Unpublished.

NOTE.—The herring brand fees collected by the Board for the said year amounted to 4618*l.* 16*s.* Those for the previous year to 5801*l.* 12*s.* 4*d.* B. F. P.

(5.)

RETURN of the TOTAL BARRELS of HERRINGS CURED in SCOTLAND in successive periods of ten years, commencing from the year 1809; and distinguishing the herrings cured upon the East Coast of Scotland from those cured upon the West Coast.

Periods of ten years.	East Coast of Scotland.	West Coast of Scotland.	Total for Scotland.
	Barls. cured	Barls. cured	Barls. cured
In the ten years from 1809 to 1818 both inclusive - -	764,950½	766,637½	1,531,588½
Do. from 1819 to 1828 do. -	2,809,702½	572,882½	3,382,584½
Do. from 1829 to 1838 do. -	3,282,924½	638,718½	3,921,642½
Do. from 1839 to 1848 do. -	4,589,982½	735,140	5,325,122½
Do. from 1849 to 1858 do. -	5,202,803½	926,422½	6,129,226
In the five years, from 1859 to 1863, both inclusive, (the returns of 1863 being the latest returns extant) - -	2,584,553½	567,137½	3,151,690½

I certify that the above account is just and true to the best of my knowledge and belief.

(Signed) LAUR^CE. LAMB, General Inspector.
B. F. PRIMROSE, Secretary.

Office for the Fisheries,
Leith, 25th July 1864.

(6.)

RETURN showing the ANNUAL EXPENSE of the BOARD OF FISHERIES for every five years from the year 1825 to the years 1850, compared with the expense of the Board for the last completed year of its expenditure, viz., for the year ended 31st March 1864.

Year ended 5th January	1825 - -	£11,924	15	7¾
Ditto	ditto	1830 - -	- 12,413	5	0
Ditto	ditto	1835 - -	- 11,350	1	7½
Ditto	ditto	1840 - -	- 11,115	12	11
Ditto	ditto	1845 - -	- 11,772	4	0
Ditto	ditto	1850 - -	- 11,583	19	8

NOTE.—At the above periods the financial year was made to end upon the 5th January, it is now made to end on the 31st of March.

Year ended 31st March 1864 - - -	11602	7	0

(Signed) B. F. PRIMROSE,
Secretary.
Board of Fisheries,
Edinburgh, 25th July 1864.

NOTE.—The above Return of Expenditure is in every case *exclusive* of the Annual Grant of 3000*l.* for piers or quays made by Parliament under the Act 5th Geo. 4th cap. 64. B. F. P.

(7.)

FORM of BOND by Parties Receiving Grants of Money from the Honourable the COMMISSIONERS for the BRITISH WHITE HERRING FISHERY, for the CONSTRUCTION of HARBOURS, &c.

Considering that the honourable the Commissioners for the British White Herring Fishery have lately approved of a plan and specification for erecting and constructing, *or* enlarging, extending, improving or repairing, &c., (a *or* the) harbour, or pier, quay, or breakwater, at in the county of and have agreed to pay of the expense of the same, out of certain funds placed at their disposal by Government, for the purpose of building or repairing piers and quays in Scotland, under the provisions of an Act passed in the fifth year of the reign of his late Majesty King George the Fourth, chapter sixty-four, on the remaining of the expense being paid and provided for me as after mentioned, and on my granting the underwritten obligation for exemption from harbour or port dues, and other dues; and considering that the said commissioners by a letter from their Secretary, dated the day of intimated that they had accepted of an offer made by whereby he or they engaged to execute the whole works at the said harbour, pier, quay, or breakwater, at according to the said plan and specification, for the sum of sterling, and required me to lodge with the Royal Bank of

Scotland, in the account opened by the said Commissioners for building piers or quays in Scotland, the sum of sterling, being the of the contract price payable by me, in order that a contract might be entered into for executing the said works, and seeing that I have accordingly consigned the said sum of in the said Royal Bank as aforesaid, and that I am willing to grant these presents in further implement of my part of the said agreement: Therefore,

Primo, in case it shall be deemed necessary or proper by the engineer employed by the said Commissioners, during the progress of the said works, to make any deviations or alterations on, or additions to the form, construction, or dimensions of the said works, for the purpose of rendering the said works more secure, or the harbour, pier, quay, or breakwater more commodious, it is hereby agreed that it shall be competent for the said Commissioners to authorize and direct the same to be done; and in the event of the same having been submitted to and approved of by me, I bind and oblige myself, my heirs, executors, and representatives whomsoever, renouncing the benefit of discussion, to pay to the said Commissioners when required of any extra or additional expense that may be thereby occasioned above the said contract price of ; such extra or additional expense to be ascertained in manner specified in the contract entered or to be entered into for the execution of the said works.

Secundo, in the event of the said Commissioners executing the said works according to the said plan and specification, or with such deviations, alterations, or additions as shall be directed as aforesaid, whether the same shall be approved of by me or not, I bind and oblige myself, and my foresaids, and also my successors in the said property or estate of or in the lands on which the said harbour, pier, quay, or breakwater, is to be constructed or is situated, to give to all vessels, boats, and craft whatsoever employed in the fisheries, or importing or exporting fish taken in the said fisheries, or carrying materials for the prosecution of the said fisheries, or for the purposes of curing, free ingress to and landing at the said harbour, pier, quay, or breakwater, with free egress therefrom, without the said vessels, boats, craft, fish, whether in their natural state or after being cured, dried, or salted, or in any other state, or materials aforesaid, being subjected to the payment of harbour or port dues, shore dues, fish tythes, or dues of any kind whatsoever, and that under the penalty of ten pounds sterling, for each time that free ingress to, and landing at, or egress from the said harbour, pier, quay, or breakwater, free of all dues as aforesaid, shall be refused or prevented by me or my foresaid, or by my or their desire or authority: declaring that the aforesaid exemptions do not extend to such portions of cargoes as may happen to be of a different description, or in case of dues being payable on the tonnage of the vessel, the foresaid exemptions shall not apply to the tonnage occupied by such portions of cargoes.

Tertio, in the event of me or my heirs granting any conveyance, whether onerous or gratuitous, of the said property of or of the lands on which the said harbour, pier, quay, or breakwater, is to be constructed or is situated, I bind and oblige myself and them to insert in such conveyance the conditions herein contained, and to declare the same real burdens affecting the said property or lands; and I consent to the registration hereof in the books of counciland session, or others competent, therein to remain for preservation, and for that purpose constitute my procurators. In witness whereof

Supplementary clause as a subject for special negotiation.

I bind and oblige myself and my aforesaid to keep, uphold, and maintain, the said harbour, pier, quay, or breakwater, in good and sufficient order and repair from and after the time when the said works shall have been completed and finally inspected and approved of by the engineer employed by the said Commissioners, and in all time thereafter, so that vessels, boats, and craft shall always have the same facility of access thereto, and the same accommodation thereat, as at the time of said final inspection by the said engineer.

(8.)

REGULATIONS by the Honourable the Commissioners of the Board of British Fisheries, for the Administration of the Annual Grant of 3,000*l.* for Building Piers or Quays, under the Act 5th Geo. IV. Cap. 64.

Regulation 1st. Applicants upon the grant are required to show, to the satisfaction of the Board, the bearing of their Application upon the maintenance or improvement of Fisheries.

2d. The site of the proposed harbour, pier, quay, or breakwater is to be distinctly stated in every application—the nature of the desired work, whether as regards construction, repair, or improvement, explained; the probable expense, as far as possible, indicated; and the resources of quarries adjoining the site or other advantages for building, pointed out.

3d. The contribution to or proportion of the cost of the work that the promoters are willing to pay to be most distinctly stated.

4th. Before the scheme of any work can be entertained, promoters must consent (unless otherwise arranged by special agreement) to grant a bond to the Board, undertaking to give to all fishing boats and fishing vessels free access to and liberty to depart from the said harbour, pier, quay, or breakwater without being subject to the payment of harbour or port dues of any kind, under a penalty of 10*l.* sterling for each time that such access or liberty shall be refused or prevented.

NOTE.—Forms of the bond in ordinary use, may be had on application at the Office of the Board, Edinburgh.

5th. It is imperative that the work be planned as well as conducted by the engineer or engineers of the Board; and every survey, plan, and specification that may be required, whether for an original work or for the improvement or repair of works already existing, must be committed exclusively to the engineer or engineers of the Board. From and after this date, therefore, no other plans can be admitted but those prepared by the engineer or engineers of the Board.

6th. The Board are prepared to negotiate with promoters of works for preliminary surveys by the engineer or engineers of the Board, and, if so desired, to be followed by working plans, specification, and estimate, on the principle of a division of these engineering expenses, as well as of those arising out of the execution of the work, according to such proportion as may be mutually agreed on between the promoters and the Board. The promoters' contribution for these preliminary engineering charges in every case to be paid to the board before the engineer or engineers can be ordered on the survice required.

7th. It is to be understood that the having a survey made does not pledge either the Board or the promoters to undertake the work proposed, but that this is left to be a matter of mutual after agreement, upon the information derived from the survey.

8th. Before any work can proceed the promoters' share must be paid to the Board.

By order of the Board,

Board of Fisheries, Edinburgh, April 1, 1852. (Signed) B. F. PRIMROSE, Secretary.

(9.)

RETURN to the ROYAL SEA FISHERIES COMMISSION of the EXPENDITURE by the BOARD OF FISHERIES, year by year, made by means of the Annual Grant of 3000*l.* voted by Parliament under the Act 5th George 4. Cap. 64, Sec. 9, for the construction, improvement, or repair of harbours, piers, or quays, in Scotland, and List of the works executed thereby up to 25th July 1864.

NOTE.—The first year's grant was made to the Board in 1829 and from that year till 1850, 2,500*l.* per annum only was laid out upon harbours, &c. the remaining 500*l.* being laid out under the provisions of the Act in repairs of fishermen's boats.

Year of Commencement.	Harbour, Pier, or Quay.	County, &c.	Contributed by Board.	Contributed by Promoters.	Total paid for each Work.	Year of Completion.
			£ s. d.	£ s. d.	£ s. d.	
1829	Rockfield Pier - -	County of Ross -	322 10 0	107 10 0	430 0 0	1830
,,	Hilton Landing Place -	Do. - -	97 10 0	32 10 0	130 0 0	1829
,,	Sarclet Harbour - -	County of Caithness-	1,395 14 0	697 17 0	2,093 11 0	1831
,,	Dunglass do. - -	County of Berwick -	1,810 0 0	720 0 0	2,530 0 0	1832
,,	Cellardyke do. - -	County of Fife -	1,219 7 0	500 0 0	1,719 7 0	1832
1831	Burnmouth do. - -	County of Berwick -	1,459 14 6	500 0 0	1,959 14 6	1832
1832	Coldingham do. - -	Do. - -	907 10 0	302 10 0	1,210 0 0	1833
,,	Salen and Kintra Piers -	County of Argyll -	783 6 8	391 13 4	1,175 0 0	1834
,,	Port Ellen Pier - -	Island of Islay -	508 19 4	254 9 8	763 9 0	1833
1833	Fort William do. -	County of Inverness -	1,125 4 9	486 13 4	1,611 18 1	1834
,,	Keiss Harbour - -	County of Caithness-	1,103 0 4	551 10 2	1,654 10 6	—
,,	Coldingham do. - -	County of Berwick -	236 14 0	78 18 0	315 12 0	1833
1834	Sarclet do. - -	County of Caithness-	2,211 17 7	725 0 0	2,936 17 7	1840
1835	Calicot Pier - -	Island of Lewis -	1,096 13 4	548 6 8	1,645 0 0	1837
,,	Carnish do. - -	Do. - -	1,206 13 4	603 6 8	1,810 0 0	—
1836	Buckhaven - -	County of Fife -	3,025 8 10	1,008 9 8	4,033 18 6	1838
,,	Dunglass Harbour -	County of Berwick -	47 0 0	25 0 0	72 0 0	1836
,,	Inverary Pier - -	County of Argyll -	956 13 4	476 6 8	1,435 0 0	1837
,,	Burnmouth Harbour -	County of Berwick -	62 0 0	22 0 0	84 0 0	1836
1838	Pitullie do. -	County of Aberdeen-	3,153 15 0	1,051 5 0	4,205 0 0	1840
,,	Cellardyke do. -	County of Fife -	102 15 0	34 5 0	137 0 0	1838
1839	Skipness Pier - -	County of Argyll -	1,984 13 4	992 6 8	2,977 0 0	1840
,,	Buckhaven Harbour -	County of Fife -	1,345 2 9	448 7 8	1,793 10 5	—
1842	Sarclet do. -	County of Caithness -	426 15 7	142 5 2	569 0 9	1843
,,	Pitullie do. -	County of Aberdeen-	19 2 6	6 7 6	25 10 0	1842
,,	Skipness Pier - -	County of Argyll -	76 5 6	38 2 9	114 8 3	—
,,	Dunbar Harbour - -	County of Haddington	11,262 5 2	4,500 0 0	15,762 5 2	1844
1846	Nairn Breakwater -	County of Nairn -	1,951 13 6	1,951 13 5	3,903 6 11	1849
,,	Ballantrae Harbour -	County of Ayr -	2,886 10 0	2,698 10 0	5,585 0 0	1849
,,	Do. do. - -	Do. -	—	62 15 8	62 15 8	
1848	Sarclet - do. - -	County of Caithness-	250 0 0	—	250 0 0	—
,,	Dunbar do. - -	County of Haddington	204 18 5	—	204 18 5	—
,,	Scallisaig do. - -	Island of Colonsay -	1,552 14 5	1,552 14 5	3,105 8 10	—
1849	Coldingham do. - -	County of Berwick -	402 5 0	190 0 0	592 5 0	—
,,	Keiss do. - -	County of Caithness-	205 6 8	102 13 4	308 0 0	1850
,,	Dunbar do. - -	County of Haddington	100 19 5	—	100 19 5	1849
,,	Lybster do. - -	County of Caithness-	517 14 11	6,311 0 0	6,828 14 11	1855
1850	Sarclet do. - -	Do - -	65 6 4	32 13 2	97 19 6	1850
,,	Buckhaven do. - -	County of Fife -	8,450 15 5	3,106 19 9	11,557 15 2	1853
,,	Dunbar do. - -	County of Haddington	182 12 3	—	182 12 3	1850
,,	Carsaig Pier - -	Island of Mull -	204 15 1	204 17 0	409 12 1	1851
1851	Rockfield do. - -	County of Ross -	48 3 2	48 3 3	96 6 5	1851
,,	Cellardyke Harbour -	County of Fife -	335 11 4	167 15 9	503 7 1	1852
,,	Scallisaig do. -	Island of Colonsay -	—	281 13 0	281 13 0	—
1852	Do. do. -	Do. -	2,512 10 0	837 10 0	3,350 0 0	1854
,,	Latheronwheel do. -	County of Caithness -	1,045 0 1	522 10 7	1,567 10 8	1853
1853	Craignure Pier - -	Island of Mull -	699 4 10	699 4 10	1,398 9 8	1854
1854	Sandsair do. -	Shetland Isles -	445 9 8	148 9 10	593 19 6	1855
1855	Hilton Landing Place -	County of Ross -	60 0 0	101 7 6	161 7 6	1855
,,	Buckie Harbour - -	County of Banff -	10,413 8 6	4,333 6 8	14,746 15 2	1858
1856	Calicot or Ness Slip -	Island of Lewis -	202 5 6	210 9 0	412 14 6	1857
1857	Dunbar Harbour -	County of Haddington	15,032 5 7 on account.	22,757 6 7	37,779 12 2 on account.	Still incomplete at 25th July 1864.

Board of Fisheries, Edinburgh, 25th July 1864.

(Signed) B. F. PRIMROSE, Secretary.

No. 45.

LETTERS from FOREIGN MERCHANTS concerning the SALE of SCOTCH HERRINGS on the CONTINENT.

To the Royal Commission for the Sea Fisheries of Great Britain.

Königsberg, Prussia,
November 9, 1861.

WE, the undersigned merchants and dealers in Scotch herrings, have been informed that the question has again been taken into consideration, whether the official brand for Scotch herrings shall be continued or not, and we therefore beg to address the honorable Royal Commission with the most urgent request to keep up the present branding system.

We are of opinion that the abolishment of the brand will not only cause an immediate great impediment to the business, but that it will have a very bad influence upon this branch of trade for all future times.

In most districts of our country the buyers of herrings have so great a prejudice against them as long as they are unbranded, that they do not buy any before they cannot obtain crown and full-branded. In Russia and Poland the prejudice against unbranded herrings is still greater than in this country, and not a single barrel of unbranded herrings can be sold there.

To those countries we are already now sending a large share of the herrings imported at this place, which however will still considerably increase in future, when a reduction of the duty will have taken place there, for which reduction there is now every prospect.

Since many years, but chiefly during the last three years, large speculations in herrings have been made at all the continental markets; even buyers, who had little or no knowledge of the article, but dealt in crown and full-brand herrings in confidence to the brand, interested themselves in the business. Long before the beginning of the fishing large quantities of crown and full-brand herrings changed hands on delivery during the latter months of the year. While the fishing lasted, and after it had been finished, large sales took always place on forward delivery, at fixed terms, but still larger transactions were made of floating cargoes against delivery of bills of lading.

It is quite certain that all these transactions, by considerably increasing the demand for the article, have turned out to the highest benefit of the Scotch curers; but it is not less certain that after the abolition of the brands every speculation in the article would cease, for it would be quite impossible to give the buyers any guarantee as to the quality of the herrings and the filling of the barrels before their arrival at our place.

We beg to repeat that it is our fullest conviction that the brand is of the highest benefit for the herring trade, and will not only tend to support the present demand, but also more and more to extend the field for the sale of the article; as we are also fully convinced that, in case the brand was abolished in Scotland, we should be under the necessity to constitute at this place a magistrate, who had to examine the herrings imported here, and to put a brand on the barrels, in order to guard us against all chicanery of our customers in the interior.

We therefore beg to address the honourable Royal Commission requesting to do all in their power, that the brand is not only maintained, but that even the necessary steps are taken to keep the Fishery officers to act with the highest strictness when branding the herrings laid before them for examination.

Hoping to hear that our request has met with the approval of the honourable Royal Commission,

We remain most respectfully,
(Signed) MÜLLER & GUSMEIT.
GIRYIKI & SEHRÖTER.
C. GLITZKE.
E. LAGENFREUD.
ALBERT KLEIN.
PRIEDOFFER & OFFENANN.
GEBRÜDER KANENHOWEN.
GEBRÜDER MAY.
HON. BOSQUE.
JAMES LUND MEYER.
GUSTAV SCHUBERT.
WEHMERTEICHE.
H. A. BURDINSKI.

To the Royal Commission for the Sea Fisheries of Great Britain.

Harburg, Nov. 5, 1864.

AS WE, the undersigned merchants and dealers in Scotch herrings, have been informed that the question has again been raised whether the official brand for herrings shall continue or not, we take the liberty to address the honourable Royal Commission with the urgent request to keep up the present branding system.

Its further existence is a matter of so great an importance to us and all merchants connected with this trade that the abolishment of the brand would not only cause an almost invincible obstacle to the business, but as a consequence would compel us to withdraw the greatest part of our present capital invested in this trade.

As buyers in the country became since long years accustomed to crown-brand herrings, and so much that most of them refuse to receive even a single barrel of unbranded herrings, it would cause the greatest difficulty to alter the present state of things, for it would be quite impossible to grant our customers after the abolition of the brand any guarantee as to the quality of the herrings.

It is our opinion that the great and extensive speculations at all continental markets under the existing system, the large sales which now take place before the beginning of the fishing and after it, the important transactions of floating cargoes on delivery of bills of lading, must cease to continue when the brands falls, and so much are we convinced of these heavy consequences that we should prefer to retire from this business as to put our capital in an article which lost its former value and every control.

This present well-regulated trade, protected by a royal brand, that guards both sellers and buyers against all and every chicanery, which gives the highest benefit to all parties concerned, will, so do we repeat, cease to flourish as soon as the abolition of the brand becomes lawful, and we therefore deem it our duty to request the honourable Royal Commission to do all in their power that the present system is maintained, and the Fishing officers are kept to act with the utmost care when branding the herrings.

We conclude our request with the hope that our reasons laid before the honourable Royal Commission may meet their approval,

And remain very respectfully,
(Signed) MATTHÉE MATTHIESSEN & Co.
pp. GÜNTHER & BEHREND.
T. H. DRIEHAUS.
FR. WÜRSTHOFF.
E. ALLEN & Co.
F. G. SCHACKMANN.
P. FRANCK & SPRING.
F. P. BRAUNBEHRENT & Co.
F. ROHR & KNOOFT.
F. THÖNT.
A. H. DÈLIRIS.
EICHEL & SCHMIDT.
LOUIS WITTING.
ZIMMERMANN.
WASSMANN.
SCHÖRMERT & TEICHMANN.
HEINR. HAVENKAMP.
J. D. WESTEDT.

To the Royal Commission for the Sea Fisheries of Great Britain.

Stettin, 20th August, 1864.

We, the undersigned, merchants and dealers in Scotch herrings, have been informed that the question has again been taken into consideration, whether the official brand for Scotch herrings shall be continued or not, and we therefore beg to address the honourable Royal Commission with the most urgent request to keep up the present branding system.

We are of opinion that the abolishment of the brand will not only cause an immediate great impediment to the business, but that it will have a very bad influence upon this branch of trade for all future times.

In most districts of our country the buyers of herrings have so great a prejudice against them as long as they are unbranded, that they do not buy any until they can obtain crown and full-branded. In Austria the prejudice against unbranded herrings is still greater than in this country, and not a single barrel of unbranded herrings can be sold there. To that country we are already now sending a large share of the herrings imported at this place, which, however, will still considerably increase in future, when a reduction of the duty will have taken place there, for which reduction there is now every prospect.

Since many years, but chiefly during the last three years, large purchases in herrings have been made at all the continental markets, even buyers who had little or no knowledge of the article, but dealt in crown and full-brand herrings in confidence to the brand, interested themselves in the business. Long before the beginning of the fishing large quantities of crown and full-brand herrings changed hands on delivery during the latter months of the year.

While the fishing lasted, and after it had been finished, large sales always took place on forward delivery at fixed terms, but still larger transactions were made of floating cargoes against delivery of bills of lading.

It is quite certain that all these transactions, by considerably increasing the demand for the article, have turned out to the highest benefit of the Scotch curers, but it is not less certain, that after the abolition of the brand every speculation in the article would cease, for it would be quite impossible to give the buyers any guarantee as to the quality of the herrings and the filling of the barrels before their arrival at our place.

We beg to repeat, that it is our fullest conviction that the brand is of the highest benefit for the herring trade, and will not only tend to support the present demand, but also more and more to extend the field for the sale of the article. As we are also fully convinced that in case the brand was abolished in Scotland we should be under the necessity to constitute at this place a magistrate, who had to examine the herrings imported here, and to put a brand on the barrels, in order to guard us against all chicanery of our customers in the interior.

We, therefore, beg to address the honourable Royal Commission, requesting to do all in their power that the brand is not only maintained, but that even the necessary steps are taken to keep the Fishery officers to act with the highest strictness when branding the herrings laid before them for examination.

Hoping to hear that our request has met with the approval of the honourable Royal Commission,

We remain, most respectfully,

(Signed) ERNST BÖTTCHER.
SWERSAEL-LANDE.
LOUIS BÖTZOW.
KARL FR. ROENN.
JULIUS KOHLEDNY.
AUGUST WOPFSCHILD.
AUGUST KRIEGER.
KRÜGER & DÙMME.
ALBRT. WREDE.
CARL STEPHAN.
FRDR. FERD. ROSENTHAL & Co.
ADOLPH KIRSTEIN.
GEBRÜDER POMMER.
G. M. VON STADE.
T. C. LÜDRITZ.
C. A. SCHMIDT.
E. WELLMANN.
WALTER & TÜRCKS.
CARL P. METZENTHIN.
THEOD. N. SCHROEDER.
BN. KEILL.
WENDORFF & LEUSCHERT.
B. STÜMER.

	barrels.
Ernst Böttcher has generally sold every year about	3,000
Swersael-Lande „ „ „ „	2,000
Louis Bötzow „ „ „ „	2,000
Karl Fr. Roenn „ „ „ „	1,000
Julius Kohledny „ „ „ „	25,000
August Wopfschild „ „ „ „	1,000
August Krieger „ „ „ „	2,000
Krüger Dümme „ „ „ „	8 to 10,000
Albrt Wrede „ „ „ „	4 to 5,000
Càrl Stephan „ „ „ „	5,000
Frdr. Ferd. Rosenthal & Co. „ „	12 to 15,000
Adolph Kirstein „ „ „ „	40 to 50,000
Gebrüder Pommer „ „ „ „	5,000
G. M. von Slade „ „ „ „	5,000
T. C. Lüdritz „ „ „ „	1,000
C. A. Schmidt „ „ „ „	1,000
E. Wellmann „ „ „ „	30 to 40,000
Walter & Türcks „ „ „ „	1,000
Carl P. Metzenthin „ „ „	15,000
Theod. N. Schroeder „ „ „	20 to 30,000
Bn. Keill „ „ „ „ „	20 to 30,000
Wendorff & Leuschert „ „ „	8 to 10,000
B. Stümer „ „ „ „ „	8 to 10,000

To the Royal Commission for the Sea Fisheries of Great Britain.

Dantzic, Nov. 26, 1864.

WE, the undersigned importers of and dealers in Scotch herrings, have learned with much regret that the official brand on Scotch herrings is likely to be abolished, and knowing, as we do, the great importance of the branding system, we beg to state our conviction, that by doing away with the official brand the British Government would do irreparable injury to the trade in Scotch herrings.

For several years the importation of herrings from Scotland into this port amounted only to a few thousand barrels while at the same time about 80,000 barrels were imported from Norway.

By degrees the dealers here, as well as in the remote districts of Russia and Poland, discovered that they could depend on a certain standard of quantity and quality in Scotch herrings to which the official brand was applied, whereas they found that such was not the case with the herrings imported from Norway, and the consequence was, that a decided preference was given to Scotch branded herrings, so much so, that the importation and consumption of Scotch herrings in 1862 rose to 75,000 barrels against 31,000 barrels from Norway, notwithstanding that Scotch full crown-branded herrings were 12*s.* to 15*s.*, and Scotch crown-branded spent herrings 6*s.* to 9*s.* sterling per barrel dearer than Norwegians.

The Norwegian Government was made aware of these facts by its consular agents, and some steps were taken to establish a supervision of the curing of herrings, but for want of energy and perseverance no result was arrived at.

If the British Government should abolish the official brand, the trade in Scotch herrings would soon suffer from the same defects from which the trade in Norwegian herrings is suffering now, viz., irregularity of the size of the barrels, improper selection of fish, and improper curing and filling, and undue quantity of salt, &c.; it would then be necessary to open every barrel that arrived for examination, and the present quick sales, either before or after arrival, could no longer be effected, to the great injury of the Scottish curers; and it is probable that the Norwegian Government would then renew its efforts to establish a regular branding system with the view of displacing the Scotch herrings.

The trade in Scotch herrings of this port is carried on either by sales on delivery before and during the fishing season, which sales are made on condition that the official brand be on the barrels and thereby a certain quality warranted, or by sales after arrival in execution of orders from Russia and Poland, in which it is always distinctly stated that the official brand must be on the barrels, as the herrings thus branded pass through many hands in remote districts, and no claims for bad quality are allowed by the court of justice, whereas, if the official brand were no longer to be applied to the barrels there would be no end of disputes, especially in a falling market, and the losses consequent thereon would ultimately fall on the Scottish curer.

Formerly, the first herrings taken in July were shipped unbranded to this port, but the quality was found to be very irregular, full herrings being mixed up with spent and broken fish and torn bellies, the filling being very deficient, so that shipments of unbranded herrings have been discontinued altogether. We are thoroughly convinced that the present branding system is highly beneficial to the trade, and that the extent to which the exportation of herrings from Scotland has been carried is principally owing to the supervision exercised by the officers of the Fishery Board; and we implore the honourable Royal Commission to do all in its power to uphold the present system, and by means of the official brand to secure to the Scotch herrings the preference which they have had hitherto, and which is due to them.

Hoping to hear that our request has met with the approval of the honourable Royal Commission.

We remain most respectfully,

(Signed) POTSCHOND.
ROSENSTEIN & HEINSBY.
F. BOEHMER.
T. BISCHOFF & Co.
ROBERT WENDT.
ERNEST WAGNER.
L. M. KÖHNE.
SEHILKADT.
p. p. B. TOEPLITZ & Co.
CARL EICHERT.
GIDDZINSKI & LOEWINSOHN.
F. W. SCHIRMERLER.
KASIMIR TREEP.
DANIEL HINCH.
LOUIS .
O. C. THULBERG.
T. H. RENTZ & Co.
SAMUEL HIRSCH.
ALBERT ALDORFF.

To the Royal Commission for the Sea Fisheries of Great Britain.

Magdeburg, Nov. 23, 1864.

We, the undersigned, merchants and dealers in Scotch herrings of the City of Magdeburg, selling annually upwards of 60,000 barrels, not only in this district but also to Saxony, Thuringia, Bavaria, &c., have been informed, that the question has again been taken into consideration,

whether the official brand for Scotch herrings shall be continued or not and we therefore beg to address the honourable Royal Commission with the most urgent request to keep up the present branding system for the benefit of all parties concerned in the herrings trade and most particularly in the interest of the curers in Scotland.

We are of opinion that the abolishment of the brand will not only cause an immediate great impediment to the business but that it will have a decided bad influence upon this branch of trade for all future times.

The official brand on the barrels is the sole and efficient guarantee of the Scotch herrings trade on the continent, the want of which would create endless confusion in the sale and finally induce us to suspend our operations in this article for our own account entirely.

The opponents of the brand mistake their own interest and do not seem to consider the consequences. All the greater and intelligent curers must concur with us in supporting the maintenance of the branding system, this institution being a reciprocal benefit for sellers as well as purchasers, guarding both parties against overrating, particularly as no curer is compelled to prepare his herrings for inspection, moreover is at perfect liberty to cure his fish as he thinks proper, and sell them branded or unbranded.

We further believe that we, the purchasers, paying the branding fee ourselves, for the price of branded herrings is always fixed higher than unbranded, are perfectly justified in expecting that the article is put in a condition we consider most suitable for the consuming markets, being at the same time fully convinced that the abolishing of the brand will put an end to all confidence, and that those curers who oppose this system now would be the first who suffer most severely.

Since a long time, but particularly within last year, Scotch herrings have become an article of large speculation on the continent, even people who had no knowledge of the article embarked capital therein in full confidence to the official brand. Long before the fishing commences large quantities of full crown-branded herrings change hands on delivery during the latter months of the year. During the fishing season and afterwards large sales always take place on forward delivery at fixed terms, whilst the bulk of the fish is generally sold afloat.

It cannot be denied that all these transactions by considerably increasing the demand have turned out to the highest benefit of the Scotch curers, but it is not less certain that after the abolition of the brand every speculation in the article would cease, for it would be quite impossible to give the buyers any guarantee as to the quality of the herrings and the filling of the barrels before their arrival at our place.

We therefore beg to address the honourable Royal Commission requesting to do all in their power that the brand is not only maintained, but that even the necessary steps are taken to keep the Fishery officers to act with the highest strictness when branding the herrings laid before them for examination.

Hoping to learn that our request has met with the approval of the honourable Royal Commission,

We remain most respectfully,

(Signed) JOHANN DAVID SALOMÉ.
WILHELM MATTHÉE.
EICHEL & SCHMIDT.
MITTAGSOHAGE.
BRÄUTIGAM & FÖLSCHE.
C. W. VOGEL.
PINCHARD & SCHULZE.
QUIRLL & PLATE.
W. AUG. PERSCHMANN.
FRIEDR. FRITZE & SOHN.
POSTE & LIPPERT.
WILH. SELWEN & KERTZ.
PLACBET & JONATHA.
PAYSCHKE & CO.
PFEFFER & WEISSENFELS.
VESTTE & UMBINT.
SEHACH & SOHN.
WILHELM RIEBERSTEIN.
ERNST. SCHMID & CO.
EERD. SCHULZE.
ROBERT FAHN.
GŒDICKE & SÄTTLER.
EMIL MEYER & CO.

To the Royal Commission for the Sea Fisheries of Great Britain.

Memel, November 13, 1864.

BEING informed that the question has again been taken into consideration, whether the branding system for Scotch herrings shall be removed or not, we the undersigned merchants and dealers in this article beg leave to state our opinion on the subject, and most urgently to request the honourable Royal Commission not to endanger this branch of business by abolishing the brand.

The principal part of all crown-branded herrings imported here is sold to Russia before arrival, the official brand being a sufficient guarantee for good quality to the buyers, while at the same time not a single barrel of unbranded herrings can be sold to that country.

For unbranded fish we have consequently no market here, and we are sure that very few or no Scotch herrings would be imported at this place if the brand was to be abolished.

Only on account of the official brand Scotch herrings have become an article of speculation even for parties sometimes unable to distinguish good from bad quality, but supporting and increasing the demand by their purchases on forward delivery.

As most of the Baltic ports are in a similar position we are fully convinced that not only the interest of the herring trade in general, but that of the Scotch curers in particular, would be highly endangered by the abolition of the brand.

We therefore beg to request the honourable Royal Commission to do all in their power for not only maintaining the brand, but also to engage the Fishery officers to examine every barrel of herrings laid before them with utmost care and strictness, before allowing the brand.

Hoping to see our request approved of by the honourable Royal Commission,

We remain, most respectfully,

L. GERNHOEFER & CO.
L. MÜLLER.
T. HIRSCH & CO.
R. RANISH SCHWEDERSKY & CO.
ALFRED SCHARFFENORTH.

	barrels.
L. Gernhoefer & Co. have generally sold every year about	500
L. Müller „ „ „	500
T. Hirsh & Co. „ „ „	1,500
R. Ranisch Schwedersky & Co. „ „ „	1,800
Alfred Scharffenorth „ „ „	6 to 8,000

THE undersigned, called upon to give their opinion upon the continuance of the branding of Scotch herrings, must express their astonishment at the question ever having been raised. From their experience there can be no doubt that the sale of Scotch herrings would suffer considerably if the brand were discontinued, because dealers on the continent would lose all confidence, whereas at present they place implicit reliance on the quality of herrings branded by the officers appointed.

The undersigned therefore strongly recommend The Royal Commission for the Sea Fisheries of Great Britain to leave nothing undone which will speedily and for ever secure the official branding of herrings; and they further give it as their opinion that by so doing the interest of curers also will be better served than if the branding were abolished.

Hamburg, November 9, 1864.

(Signed) H. TIETGENS & ROBERTSON.
HEINR. MÜLLER.
P. pro. H. H. HOLTERMANN,
F. KRAEFFT.
M. OBERIST.
HUDTWALKER & CO.
SPANGENBERG & BERGMANN.
DROOP & CO.
JOHN HELBERT.*
RENNHARD SCHRADER.
W. MORNINGTON & CO.
PAAZIG HEISE.
GRAHAM & BOWDEN.
FERD. VON SPRECKELSEN.

To the Honourable
The Royal Commission for the
Sea Fisheries of Great Britain,
6, Adelphi Terrace, London.

---

* The discontinuing of branding would open the door for incessant quibbles as to quality.—JOHN HELBERT.

No. 46.

Documents referred to by Mr. Mackie in the Evidence given by him at Wick.

1. Letter.—Mr. John Mackie to Mr. George Traill, M.P.

Northern Ensign Office, Wick,
February 23, 1864.

I am desirous of bringing under your notice certain matters affecting the important and rapidly-increasing fishery interests of the north of Scotland, particularly those of this county, which have risen to be the greatest in the kingdom.

I am the more anxious to do so, as the outbreak of the war in Schleswig, involving a blockade of the German ports, must exercise a very injurious influence on the herring trade, which depends on Germany for three-fourths of the demand for the herrings cured on this coast.

You are aware that the autumn herring-fishing on the north-east coast, from Peterhead to Wick, employs upwards of 3,000 fishing-boats, manned by about 17,000 individuals, and giving employment on shore to about 10,000 coopers and others. Confining your view to the seaboard of the Caithness coast, extending from a few miles south of Ord Head to Noss Head—a distance of only about 30 miles—the boats employed on that short seaboard in July, August, and September, number about 1,700, with 9,000 men and boys, each boat carrying on an average a mile length of nets. At the beginning of the present century the fishing was prosecuted by a few small boats, and yielded but little, the herrings being chiefly consumed in Ireland and the West Indies. Those markets have now nearly ceased. A great demand has sprung up in German markets, which is year by year increasing, as the following figures will show you. The subjoined table exhibits the importation of Scotch herrings into the principal markets in Germany in the years 1852 to 1863 inclusive.

	Stettin.	Harburg.	Hamburg.	Dantzic.	Konigsburg.	Memel.	Total Barrels.
1852 to -	121,290	10,000	44,000	22,146	4,000	—	201,436
1853 „ -	123,537	26,000	22,000	44,272	9,553	—	225,362
1854 „ -	118,800	52,400	25,550	28,009	6,580	—	131,339
1855 „ -	154,961	59,769	26,500	66,122	15,070	—	323,422
1856 „ -	100,550	54,800	14,600	62,232	25,777	—	257,959
1857 „ -	126,902	63,000	14,900	43,542	18,608	—	266,852
1858 „ -	111,200	50,611	10,879	51,773	10,071	8,511	197,045
1859 „ -	99,208	49,140	19,079	26,544	5,014	1,577	200,562
1860 „ -	97,645	78,931	20,600	52,981	14,000	6,341	270,478
1861 „ -	107,873	67,552	12,600	59,744	14,885	9,056	271,710
1862 „ -	176,743	86,519	17,000	75,010	18,386	10,967	384,625
1863 -	154,982	89,964	12,500	45,405	14,247	9,724	306,822

I believe I shall be found correct when I state that two-thirds of these herrings thus imported into Germany have been caught and cured on the Caithness coast.

The fish duties in Germany for a considerable time operated most injuriously on the demand. From 1825 to 1828 Prussia levied a duty of three dollars per barrel, and during these years there were imported into Stettin

1825 - 31,133 barrels, yielding a duty of 93,399 dollars
1826 - 19,810 „ „ 59,430 „
1827 - 33,587 „ „ 100,761 „
or an average of 84,530 dollars.

From 1828 the duty was reduced to two dollars, and the annual revenue was 99,788. In 1832 the duty was reduced to one dollar, at which it has continued, and the result it that, for the subsequent 31 years, Prussia has derived a revenue increased on an average 50 per cent. Indeed, in 1862, the revenue was 238,000 dollars, or two-and-a-half times what it was when the duty was thrice its present amount.

The present consumption of herrings in Austria is, in consequence of its high duties, exceedingly little, and is not increasing, the quantities being for four years—

1858 - - - - 77,931 cwts.
1859 - - - - 61,489 „
1860 - - - - 64,787 „
1861 - - - - 69,161 „

The duties in Austria being imposed in proportion to weight, and levied as import, transit, and weighing duties, the quantities are given in weight, and not in barrels. The fish are greatly damaged by the weighing process, and altogether the Austrian tariff pretty nearly approaches prohibition.

I have hinted that the blockade of the German ports must have a depressing effect on the herring trade, and renders it very necessary that new markets should be opened for the produce of this now important branch of northern industry. You have already on various occasions brought this subject under the notice of our Government, with the view of urging on Austria and France a reduction of their fish tariffs. The duty in Austria is 15*s.*, and in France 12*s.* 6*d.* per barrel, the average value of the finest quality being from 25*s.* to 30*s.* on the spot. These duties are nearly prohibitory, and operate injuriously, both upon the revenue that might be derived from the duty, and upon the interests of the producer and consumer of the article. And so far as the high duty is intended as an encouragement and protection to the French fishermen it is equally a delusion. I have repeatedly seen from 12 to 20 French fishing vessels lying in Fraserburgh and Peterhead harbours, their crews purchasing cured herrings, and leaving with their busses laden with them, without having so much as wet their own nets.

For the reasons above stated it is of the utmost importance that every effort should be made to secure a reduction in the duties referred to. This county, as well as others in the north, depends almost entirely on its fisheries, and if our chief customers' ports are blockaded, the result must be disastrous to the many thousands whose interests are bound up with them.

Hitherto the herring fishery on this coast has been exclusively carried on in the autumn. It has, however, for some time been the conviction of practical men connected with the trade, that, during winter, large shoals of herrings are to be found close on shore; but never till last year did the fishermen attach such importance to the opinion as to attempt catching herrings in winter and spring. At length one or two made a trial, and were rewarded with unlooked for success. At the same time cod, ling, &c., of the finest quality, were caught in great numbers.

This year some fishermen resolved to make a more systematic trial of the winter fishing. Just as the new year came in, the appearances of last spring were renewed; a greatly increased number of boats from the counties of Caithness, Sutherland, Nairn, Moray and Banff, have entered on the adventure, and the catch, in proportion to the number of boats, has greatly exceeded the most productive autumn fishing. At the time I write not less than 2,000 fishermen are engaged in the active prosecution of the fishery.

Besides large quantities of white-fish, herrings to the value of 12,000*l.* have been landed on this coast; and should the weather be favourable, there is every reason to look for continued success.

This unlooked-for new phase in our fishing enterprise has just come at the time when the society of which you are a director (the British Fisheries Society) has commenced the erection of a large and commodious harbour, which will give ample shelter to the entire fleet of fishing boats and vessels, be accessible at all times of tides, and in all weathers, and thus inspire with confidence the many fishermen who visit the coast.

With regard to the fears expressed by some as to exhausting the breed of herrings, I refer you to the Report of the "Royal Commission on Herring Trawling" of last year (pp. 28, 29) for the views of these gentlemen, and which I regard as sound on the subject; I may add, that the fact of 1,000 to 1,700 boats having prosecuted the herring fishery here for so long a time, and of the yearly catch continuing under favourable circumstances of weather, &c., undiminished, while a new fishing has actually sprung up on the very spot where the autumn fishery has so long been prosecuted, may be regarded, along with the other facts adduced by the commission, as giving sufficient reason to believe that no fears need be apprehended for any diminution in the number of herrings.

The coast of Caithness has long been known as superior to all others for fishery purposes:—1st. We have the finest spawning ground. Close inshore, under the very rocks, some of which project several hundred feet, large shoals of herrings are frequently found lying, in order to spawn. 2nd. In these spawning beds the fish are protected from prevailing storms from W. round to N.E. And 3rd. The strong tides in the Pentland Firth exert a very healthy influence on the fish that are propagated off the coast.

There is, however, one very serious drawback to the successful prosecution of the winter fishing. During the winter months the continental ports are closed, and our great distance from the home markets prevents us from taking advantage of them to any considerable extent. Since the commencement of the herring-fishing here this winter, the average price of fresh herrings has been about 17*s.* per cran, and of the finest cod, 8*d.* each; while at Dunbar, and the fishing stations on the Firth of Forth, where there are railways, though the fish are decidedly inferior to ours, the price of herrings has ranged from 35*s.* to 50*s.* per cran, and of cod from 1*s.* to 1*s.* 6*d.* each.

To meet this difficulty, the only remedy is the extension of the railway communication to the north. In the summer the line will be so far extended as to be only 70 miles from Wick. From that point till you reach Caithness the country is but thinly peopled, and almost occupied by an agricultural population. On reaching the fishery stations in Caithness

the trade in fish alone would yield a very profitable traffic. At present the average yield of fish on this coast is about 5,000*l.* worth per week, and the new fishing gives promise of greatly increasing the yield, while it will naturally give the greatest impetus to all descriptions of industry connected with the enterprise, as well as vastly increase the number of those engaged in it. You will thus see that extension of the railway to Caithness is a matter of more than purely local importance, and has aspects greatly affecting national interests.

At present, the only means of conveying herrings to the southern markets is a weekly steamer, which has, since the new year, carried off some 7,000 barrels, but not in a fresh state, the length of the voyage, time occupied and other causes, preventing the despatch of fish in that condition. With a railway, however, we should be able to despatch daily from the various stations an enormous supply of the best fish in season, and furnish the great centres of home industry with abundance of the best food at a moderate rate, to the great benefit of the country and the advancement of its social and material interests.

I take the liberty of bringing these matters before you—their importance is my excuse, and if you will kindly consider them with a view to their being, if you see fit, urged in the proper quarter, my end will be gained, and you will increase the obligations under which the people of Caithness have been placed by your unceasing attention to their interests.

Had the Royal Commission on fisheries, appointed last year, visited this coast, I should have taken the liberty of bringing these and relative matters before them, but, as there seems no prospect of the commission coming to Scotland, I must trouble you with them.

I need not remind you that the fishermen of Caithness are remarkable for their loyalty and patriotism. One fact is worthy of being noted, viz., that out of the 1,500 men composing the Royal Naval Coast Volunteers from the entire sea-board of Scotland, pretty nearly one-fifth (all fishermen) are from this country alone; and, in addition to a large number of militia, Caithness has six artillery and rifle companies.

I am, &c.
JNO. MACKIE.

2. LETTER from Mr. WELLMAN, Merchant, Stettin, to GEORGE TRAILL, ESQ., M.P., upon the Importance of the Herring Brand to the Continental Trade.

SIR, Stettin, February 8, 1851.

I WOULD have fulfilled my promise much sooner, and have given you the desired information regarding the herring trade of our port, had I not been unwell since my arrival here; but, having recovered so far, I take this opportunity of stating that the official brand of Scotch crown and full-branded herrings obtains the greatest confidence, not only in our market, but also in the interior of Germany, where the meaning of that brand is understood, and my firm belief, and also that of other people engaged in this branch of business is, that it would be injurious to the trade should the brand cease to exist, for Scotch herrings are only sold in small quantities in this market and the neighbourhood; they are chiefly sent great distances of from 100 to 800 miles English, into the interior of Germany and Poland, either by orders or offers, without the assistance of commission merchants, for the great expense of forwarding them does not permit any commission to a third party. The great distance prevents likewise dealers from inspecting the herrings on the spot here, who therefore make their purchases solely on their trust in the official brand, knowing that the fish must be selected well and properly cured, that the barrels be of the legal size, and that they require to be well and tightly made before the brand can be affixed.

These herrings are generally forwarded by crafts, which are often six to eight weeks on their passage, and it frequently happens that a great fall in the market takes place during that time, and, should the official brand be removed, dealers in the interior might easily take advantage of such falls, for it would not be difficult to find complaints, such for instance, that the fish were not properly selected or well cured, that the fish had too much or too little salt, or that the barrels were of a smaller size, (for no one can then say of what size the barrels require to be,) and, as most herrings are sold on credit, they would consequently be often stored at the risk and the expense of the shipper, and, perhaps, in markets where that person who purchased them is the only dealer.

When a party purchases crown and full-branded herrings at present, he is bound to receive them, if they bear that brand, independent of the quality, and our courts of justice have frequently given their decision in accordance with this statement, upon the ground that the British Fishery Board is a Government establishment, and, therefore, reliance can be placed on their impartial inspection and strict superintendence.

Part of the present business consists of consignments by the curer in Scotland, who receives an advance when the herrings are shipped, and my opinion is, that this advance will cease to be given as soon as the official brand is removed, as our merchants here are then unable to judge what proceeds they will receive out of them when sent to the interior, and, consequently, the Scotch curer must feel it seriously whenever this brand is taken away, as he would not be able to embark so much capital, and from him it must show its influence upon the fishermen, and those people connected with the fishing.

Norwegian herrings are not cured under the superintendence of the Norwegian Government, and, as no reliance can be placed in their quality, they are seldom or never sent to the interior, but are chiefly consumed here and in the neighbouring provinces, from whence dealers are able to proceed for an inspection, and hence Norwegian fish are generally more difficult to be sold than Scotch. At some places in Norway, local boards have been formed, and herrings shipped from these ports find quicker sales, and are also sent to the interior.

The sale of Norwegian herrings greatly depends upon prices of Scotch fish, for when the price of the latter is low, the former is more difficult to be disposed of; and even people of this place and those of the neighbouring provinces prefer Scotch herrings to those of the Norwegian cure, because the fish is of a superior quality, better cured, and the barrel contains more fish.

Dutch herrings are in cure better than Scotch, but the difference between the two sorts is too great in price, and therefore Scotch herrings find the preference.

The cheapness and the improved cure has increased the importation of Scotch herrings into our port to a great extent, for there is no port to which more Scotch herrings are shipped than Stettin, whilst the importation of Dutch and Norwegian fish has diminished, for we have imported in the year 1834—

4,546 barrels of Dutch, and
53,891 barrels of Norwegian herrings;

and have imported last year only—

568 barrels of Dutch, and
12,507 barrels of Norwegian;

whilst the importation of Scotch herrings has increased from—

19,000 barrels in 1834,
to 116,538 barrels in 1850;

in the year 1849, it even amounted to 147,103 barrels.

Enclosed I beg to hand you the import list of herrings into the port of Stettin, from the year 1824 to 1850.

According to my opinion it will be injurious to the trade in Scotland, if the British Government should insist upon the trade to pay for the brand, for the cheaper herrings are, the greater distance they can be forwarded, and the larger the consumption will be, because herrings are a substitute for meat, and have therefore to stand a competition in price with that of provision, as beef, bacon, &c., in the interior of the country.

The first few shipments of Scotch unbranded herrings are only consumed by the richer class of people in Germany, whilst crown and full-branded Scotch herrings are purchased by all classes, and hence it often happens that unbranded Scotch herrings are unable to be sold when the former are to be had; or, at any rate, a difference of from 3*s.* to 4*s.* sterling per barrel is made in the price, although the quality may be the same in every respect, and this is merely caused because the brand prevents disputes, and its quality can be relied on.

Other articles in casks, such as oil, butter, &c., can be sold according to sample, or their quality and contents can be stated, but such is not the case with herrings, for it is impossible to describe each fish in each barrel, or their number, and neither how the cure has been effected, nor whether they have been cured immediately after their capture, which is essential, because the fish may look well at first sight, but will not keep if not cured immediately after being caught.

How could the trade in Germany be protected if the superintendence of the British Fishing Board ceased to look after this? As long as this Board keeps up its present character, there is no fear for a decline in the importation of Scotch herrings into Germany, but it is probable it may still increase, when charges such as river dues and transit duty are removed, and a larger trade might also be carried on with Poland, Prussia, and Austria, when the import duties into these countries are reduced.

The import duty on all kinds of herrings into the Con-

federated States of Germany (Zollverein,) is at present one dollar per barrel, or equal to about 3*s.* sterling per barrel.

Austria charges 2 gulden 30 kreutzers per cwt., making it about 15*s.* sterling per barrel, which is nearly the price of the fish in Scotland, and therefore a prohibition.

Russia makes a difference in the tariff between Scotch and Norwegian herrings, the former paying an import duty of 1 ruble 30 cops. silver, per barrel, or equal to about 4*s.* 6*d.* sterling per barrel, whilst Norwegian herrings are only charged 35 cops. silver, or equal to about 1*s.* 3*d.* sterling per barrel. The duty in Poland was formerly lower on Scotch herrings, but it has been raised to that of Russia since the 1st of January 1851, and the Scotch trade has lost by that means a good market.

For France, the duty is said to be 37*s.* to 40*s.* sterling per barrel, or more than double the price of the fish in Scotland.

The Belgian duty ranges from 12*s.* to 15*s.* sterling per barrel, and in Naples it is almost as high.

From Spain and Portugal Scotch herrings are altogether excluded, if I am rightly informed.

The transit duty on herrings in Russia is 10 silver groschen, or equal to about 1*s.* sterling per barrel on the River Oder, as well as Vistula, and on the River Elbe it is only 2½*d.* per barrel.

Holland charges about 3*s.* sterling per barrel for the transit of herrings on the Rhine.

Denmark levies a duty of 3*d.* sterling per barrel on herrings for passing the Sound; and

Hanover charges one halfpenny per barrel for passing the Elbe at Stade.

In conclusion, I beg to remark that I consider it would be a great benefit to the trade if the number of days which Scotch herrings must be in salt before the official brand can be affixed, were reduced from 15 to 10 clear days, by which the shipments of branded fish would be facilitated, and a larger quantity could be disposed of to the interior of Germany before winter sets in.

Should you require any further information, I shall be happy at all times to be able to serve you with it, and I remain respectfully,

Sir, your obedient servant,

(Signed) ALEXANDER WELLMANN.

George Traill, Esq., M.P., London.

---

3. IMPORTATION of HERRINGS into the PORT of STETTIN.

When Imported.	Bremen.	Denmark.	Great Britain.	Holland.	Hanover.	Norway.	Hamburg.	Mecklenburg.	Dantzig.	Sweden.	TOTAL.	Imported. More.	Imported. Less.
1824	25	1,300	15,468	1,374	—	1,030	—	—	—	—	1,997	—	—
1825	—	1,960	18,160	4,255	—	6,758	—	—	—	—	31,133	11,936	—
1826	—	226	7,695	4,874	—	6,915	—	—	—	—	19,810	—	11,323
1827	—	3,373	15,082	5,010	—	9,948	—	174	—	—	33,587	13,777	—
1828	—	6,135	13,478	7,283	—	16,008	—	—	—	—	42,904	9,317	—
1829	—	1,294	14,449	4,422	—	28,485	—	—	—	—	48,650	5,746	—
1830	—	779	33,866	4,595	—	29,137	—	—	—	—	68,377	19,277	—
1831	—	841	13,077	3,802	—	21,924	—	—	—	—	39,644	—	28,733
1832	—	199	31,837	4,712	167	56,979	—	—	—	—	93,894	54,250	—
1833	—	334	31,711	2,756	—	77,758	—	—	—	—	112,559	18,685	—
1834	—	599	19,060	4,546	138	53,981	—	—	—	—	78,324	—	34,235
1835	—	4,111	26,875	1,943	240	39,730	—	—	—	—	72,899	—	5,425
1836	—	3,837	28,227	2,137	288	34,798	—	—	—	—	69,287	—	3,612
1837	12	2,163	36,309	6,722	309	77,851	—	214	—	—	123,580	54,293	—
1838	30	890	40,209	4,491	134	51,761	—	—	—	—	97,515	—	26,065
1839	72	994	49,456	1,059	—	46,282	—	—	—	—	97,863	343	—
1840	36	933	73,949	2,141	—	82,914	—	—	—	—	159,973	6,210	—
1841	44	—	50,732	850	144	43,433	—	—	—	—	95,203	—	64,770
1842	12	103	62,135	3,397	180	48,240	—	408	5,471	—	119,946	24,743	—
1843	—	638	143,659	1,119	—	44,092	—	154	—	—	189.662	69,716	—
1844	18	2,594	105,097	990	—	97,127	—	—	—	—	205,826	16,164	—
1845	211	307	81,189	2,457	—	44,264	—	417	—	—	125.845	—	79,981
1846	—	395	104,372	179	—	54,733	—	—	—	—	159,679	33,834	—
1847	—	1,671	112,260	348	—	42,828	—	—	—	—	157,107	—	2,573
1848	—	402	103,402	196	—	23,903	580	—	—	—	128,483	—	28,624
1849	—	924	147,103	1,313	—	26,962	—	210	—	—	176,512	48,029	—
1850	—	470	116,538	568	—	12,507	—	—	—	101	130,184	—	46,328

4. SIR, September 14, 1860.

WE take the liberty of bringing under your notice our views in regard to the official brand on herrings.

After two years' experience of the Act under which a fee of fourpence per barrel is paid for herrings receiving the brand, we beg to express our confidence in the beneficial operation of the regulation, and our assurance that the continuance of the brand is of the greatest possible service to the trade. The tax is not felt or complained of; the dealers continue to have the utmost confidence in its utility and value. Almost all the sales are now made on condition of the herrings thus sold being duly certified by the official brand, and transactions are far more simple and speedy than they could possibly be were the brand abolished. In fact we cannot imagine anything more to be deprecated, in connexion with the trade than the abolition of the present useful, cheap, and simple official surveillance and inspection, and the brand certificate following thereon.

(Signed) ALEXANDER WELLMANN, Stettin.
D. HOLTZAPFEL, Magdeburg,
H. MARSCHER, St. Petersburg.
LUDWIG WEHR, Stettin.
EUGEN WENDS, Dantzig.
A. W. BEDA, Leith.
HENRY KROTEL, Koenigsberg.

To George Traill, Esq., M.P.

5. MY DEAR SIR, Leith, January 10th, 1856.

AMONG the arguments in favour of continuing the Fishery Board and the official brands, there is one which I think cannot fail to have weight with those who propose to abolish them. At all events I am sure it will with all who regard the herring fishery as a valuable branch of the trade of Scotland; viz., that in various parts of the continent the character of Scotch herrings has become so thoroughly established by means of the official brands, that documents representing cargoes, or specified quantities, are dealt in and passed from hand to hand in the same manner as if they represented "Consols" or any other well understood commodity of which the description could be implicitly relied on. Were there no recognized character of brand such an advantage would be lost, and I do think it is one of too much importance rashly to throw away for the sake of such a trifling saving as the amount expended on the fishery establishment.

I consider that the abolition of the Fishery Board would be a great calamity to Scotland, and I trust you will be enabled to find the means of averting such a blow.

Believe me, &c.

(Signed) ALEXR MILLER.

To George Traill, Esq., M.P.

6. The Herring Brand.

The prevailing agitation on the part of some curers in Scotland against the brand and a fee of 4*d.* per barrel, to be paid in future, has caused some alarm in the continental markets, as only by virtue of this official guarantee the transactions of Scotch herrings have so considerably increased, particularly within the last ten years, and that in proportion as the demand for Norwegian herrings has fallen off, and which is simply on account of the withdrawing of the "Brake" in Norway, which has destroyed all confidence respecting the quality, salting, assortment, and proper size of the barrels.

We have, therefore, with experience before us, no hesitation to declare that buying herrings in Scotland on our part, *without the brand*, would be quite out of the question; that curers would therefore be obliged to consign all their herrings to the continental markets; that no house would make any advance before the herrings had arrived and been properly examined, and even then to a more limited extent, and that many of us would also entirely withdraw from a trade thus exposed to endless troubles and vexations.

Of the import of Stettin, one-third is re-exported to Poland, Bohemia, and Austria; of Dantzig two-thirds, and of Koenigsberg one-half to Russia and Poland, all of which are crown and full-brand herrings.

The official brand being thus the only guarantee both for sellers and buyers, not a single barrel of unbranded herrings would be taken in these markets, even at a reduction of 2 dollars or 6*s.* per barrel.

As regards our home consumption, the case is much the same, thousands of Barrels floating as well as in bond change hands without being examined, particularly if speculation is going on; the crown and full-brand fixes the price, irrespective however of an allowance we make for the mark of those curers well known in our markets as the best. The proper assorting, packing, and salting is thus taken into account, and herrings thus treated always command ready sales and the highest prices, so that those curers who take proper care in this respect need not be afraid that their care and attention are not duly rewarded.

Without the brand all speculation and competition would be at an end, as very few would be able to take the trouble of examining every barrel; the transactions would be confined to a very few houses, who, of course, would have to take a larger profit from the retail dealers in the interior, in order to make it worth their attention, and to meet the losses on the endless repudiation of contracts and sales to which they would have to be subjected on the ground of the slightest objections to quality, and that particularly in falling markets. The Scotch curers and commission-houses would be subjected to the same difficulties here, for some ground of refusal is soon to be found, whilst at present the Government brand is a legal tender in every court of justice, even in this country.

The genuineness of the brand is, therefore, carefully regarded and watched in Prussia, and any attempt at fraud would inflict not only confiscation of the goods, but the defrauders would be sent to the House of Correction, as a treaty exists between Prussia and Great Britain for the protection of Government and private stamps. We are fully aware that a year ago an attempt was made at Harburg (Hanover) to imitate the brand, where, unfortunately, no treaty of the above kind exists with Great Britain, and therefore no other punishment could be inflicted on the defrauders than the removal of the forged brand in the presence of the police. The lesson they, however, thus received, will, no doubt, prevent their making a second attempt, for they afterwards could not sell the herrings anywhere, and the greater part of them have been consigned to a watery grave, whilst the defrauders are themselves branded in the opinion of every honest man.

If we have thus already proved the necessity of keeping up the brand for the benefit of the herring trade in general, but most particularly for the benefit of the curers themselves, we are at a loss to find what interest they can have in forcing us to take an article we will not have, and of which we cannot make use.

The fee of 4*d.* per barrel, which the British Government intend taking for the brand in future, must in the end come out of our pockets, and not out of theirs, and it is *we* who would have more cause to complain of it. No curer is obliged to have his barrels branded; if, therefore, some of them are disposed to send unbranded herrings to the continental markets, they are at perfect liberty to try the experiment at their own risk; for, as regards ourselves, we positively declare that, with the exception of a limited quantity of the July catch, in order to have early new herrings in the market, during the regular fishing season we will not buy any herrings in Scotland without the official crown and full brand.

Stettin, 16th February 1859.

(Signed) Aug. Hoffschild.
Richter & Theune.
Wm. Reid.
Albert de la Barre.
Kruger & Dummer.
Ludwig Wehr.
August Krieger.
Adolph Kirstein.
Friedr. Ferd. Rosenthal & Co.
Carl Stephan.
Carl Pommer.
Goltdammer & Schleidi, Nachf.
Proschwitzki & Hoffrichter.
Julius Rohleder.
A. Silling & Co.
B. Stumer.
Victor Horn.
Ed. Wellmann.
Gustav Wellmann.
G. H. von Stade.

Dantzig, 17th February 1859.

Robert Wendt.
M. A. Hasse.
H. Brinkmann.
Th. Behrendt & Co.
F. Bohm & Co.
Daniel Husch.
A. J. Wendt.
Rosenstein and Hirsch.
S. Kohne.
H. Rehtze & Co.

Koenigsberg, 22d February 1859.

Von Gizycki & Schroter.
C. Glizke.
Muller & Guthzeit.
Gebr. Kanenhowen.
J. F. Loreik.
Friedr. Moritz Lehwess.
H. Kossaik.
Carl Lutge.
Klein & Lagenpusch.
Gustav Schubert.

Hamburg, 25th February 1859.

Matthee Matthiessen & Co.

Magdeburg, 26th February 1859.

Wilhelm Matthee.

Iron Ship Building Yard, Hebburn
Gateshead-on-Tyne, May 27, 1864.

We have had the pleasure of inspecting Mr. Charles Gordon's model, which shows the principle on which he proposes to make open boats self-righting.

With some improvement in the detail the invention might, in our opinion, be applied without difficulty, and if fitted to those boats which form the herring-fishing fleets of Wick, and that part of the coast of Scotland, would be the means of reducing the loss of life taking place annually through the upsetting of boats in heavy seas.

Andrew Leslie & Co.

No. 47.

EXTRACTS from REPORTS addressed to the LORDS COMMISSIONERS OF HER MAJESTY'S TREASURY by Messrs. Price and St. John, and by Captain Sulivan, R.N., in 1856, on the subject of the Fishery Board of Scotland.

We will now endeavour to sum up the arguments advanced by the opponents and the advocates of the system of branding carried out by the Board of Fisheries.

1. The opponents of the brand, whilst they admit that the Board of Fisheries has deserved well of Scotland by developing the trade in white herrings, nevertheless affirm that the time has now come when that trade can stand of itself, and can dispense with the artificial support of the brand.

2. They complain that in the foreign market all branded fish alike obtain the same price, although distinguished from each other by wide differences of intrinsic value, extending sometimes to 3*s.* a barrel, and that thereby a real wrong is inflicted on the superior curer, who is deprived of his reward by the equalizing action of the brand.

3. They contend that the tendency of the brand, which places all curers on the same level of price, is to arrest improvement by destroying the motive to exertion, and they point to the fact that no improvement has taken place in the cure of white herrings for many years past. They instance the use of covered sheds as an improvement discouraged by the equalizing influence of the brand.

4. It is a mistake, they say, to suppose that the German consumers are blindly attached to the brand, for they are always eager buyers of early unbranded herrings, and frequently give equal, and sometimes in the provinces on the coast, superior prices for unbranded, in competition with branded fish.

Hence they argue that the Germans are unwisely and needlessly taught by our own institution to lean on the brand, instead of regarding the quality of the article.

5. They further contend, that the private brands of skilful curers would speedily give the same confidence to purchasers as is now given by the official brand; that a trade conducted by private brands would stimulate curers to exert themselves to acquire a high character by good curing, and that such a trade would regulate itself by the desire to please its customers, and so would contain within itself the principle of constant expansion.

6. They show that the brand is neither needed nor used in the home markets, thus demonstrating the absence of any such peculiarity in the herring trade as should require a Government machinery not wanted in other trades.

7. They say that under the system of the Board inspection at the time of branding is the sole test on which the officers rely for guaranteeing the quality of the herrings, it being notorious that they are in the daily habit of branding fish, especially at remote places, about which they know nothing except what they learn on examination. A similar inspection by the skilful agents of foreign purchasers would, they contend, make an equally good selection of herrings, and warrant an equal amount of confidence in the buyer.

8. They appeal to the success of the red herring, the cod, the salt beef, and other trades, as proving the uselessness of the brand.

9. They represent that the brand, though nominally optional, is really compulsory; unbranded herrings, though of good quality, fetching inferior prices abroad in the same market with branded; and that thereby an unjustifiable hardship is imposed on the abolitionist—often the most meritorious curer—who is coerced by the interference of Government into using a brand which he thinks not only useless, but positively injurious to his trade.

10. They explain the support which the brand receives, especially from large curers, by the facilities which its officers render them in the prosecution of their business. These officers they represent to be unpaid substitutes for foremen, provided by the Government. The large curers, they assert, are able, by the superintendence of the officers, to have establishments at many remote stations at no cost to themselves. Hence their zeal on behalf of the brand.

11. Lastly, they declare that it is an absurdity to suppose that when consumers are desirous of purchasing, and are able to pay for a commodity, the unassisted efforts of traders are incapable of maintaining a vigorous trade.

On the other hand, the advocates of the brand—

1. Appeal to a vast and flourishing trade, developed and extended under the brand, against the active competition of rivals who were formerly established in the foreign market. Why disturb, they ask, without some overwhelming necessity, for the sake of abstract doctrines, an industry involving so much property and the welfare of such an immense population?

2. They affirm that the brand confers benefits of the highest value on the herring trade. It furnishes to the foreign buyer a large export of herrings, which give entire satisfaction to the consumers. The rapid extension of the trade, driving its competitors out of the market, proves that this satisfaction proceeds, not from an indolent contentment with a low standard of cure, but from a well tried experience that Scotch herrings present a perfect combination of goodness with cheapness.

3. It guards effectually against numerous frauds and carelessnesses, of which the herring trade is peculiarly susceptible, and which might not only prevent its extension to new markets, but might also disgust present customers and drive them over to rivals.

4. It furnishes valuable facilities for commerce, by providing a guarantee for the quality of the goods between buyer and seller on the authority of a neutral and official person, thereby preventing the disputes, litigation, and sacrifices inevitably incident to merchandise liable to gluts, incapable of uniform quality, open to injury on examination, and easy of repudiation after purchase.

5. It is an effective instrument, they show, for the easy circulation of herrings into the interior of the continent. On the faith of this official warranty, barrels of herrings pass unchallenged, with little or no opening of the barrels, to the inland consumer, and so escape injury, delay, and the risk of being thrown back on the seller. The certainty that the quality of the herrings may be thoroughly relied on enables the Scotch or German merchants to consign to or execute orders from the most distant countries with complete confidence and safety, insomuch that bills of lading are bought and sold many times over before the herrings reach the consumer, and advances are commonly made upon them to shippers.

6. The confidence and facilities created by the brand have substituted in the place of consignments for account of Scotch curers purchases made on the spot in Scotland by German houses of high standing, to the great advantage of every Scotchman connected with the trade.

They contend that a machinery imparting such facilities to commerce, if purchased by no counterbalancing disadvantages, ought not to be abandoned, except upon the most clear and cogent motives of necessity.

7. They repel the analogy of the salted beef and cod trades.

The salting of beef, they explain, is a regular process, carried on by an establishment uniformly fed with the raw material, with a supply of labour duly proportioned to constant and methodical work. Barrels of beef, moreover, are not injured by being opened for examination; the beef can be taken out of the cask and replaced without harm; the herring trade, on the contrary, is peculiarly irregular; it is the produce of a fishing of eight weeks, or rather of a few days during that period, in which the fish are caught in enormous quantities.* Hence, they say, it is impossible for curers to keep up such a staff of labourers for so many weeks as shall be equal to the most careful preparation of an immense catch on a single day; the temptation, therefore, at times, to haste and carelessness is extreme. Nothing, they urge, but the dread of a public officer, the disgrace of whose censure is more feared than the dismissal of an employer by a population naturally disposed to reverence official authority, could enforce on a multitude of women the necessary care in gutting and packing the fish.

Similarly they reply that the cod never overwhelms curers with numbers, and that it can be, and is handled singly; that it sustains no injury by being taken out of the cask, and is consequently easy of inspection.

8. They describe the home trade in cured herrings as being of an essentially different nature from the foreign. Few white herrings go to England; Scotland consumes more, but for the most part such as are lightly salted for immediate use. The greater part of the cured trade with both these markets is in red herrings, which being dry can be inspected without injury. A large quantity of white herrings is exported annually to Ireland, but the trade with that and the other home markets they assert to be a retail trade, whereas the exportation of herrings to the continent is conducted by wholesale merchants, who send large parcels into the interior of Germany, and who represent the brand to be extremely useful to their business.

They add that the chief exporters of white herrings to

* The amount of the daily take of herrings at Wick for the seasons of 1855 and 1856, inserted in the Appendix, will show in how few days the bulk of the fish is caught during the period of 12 weeks.

Ireland have establishments of their own in that country, in which the barrels are opened and refilled, and then sold by retail to consumers.

They affirm, moreover, that shippers for the home markets frequently encounter disputes as to the quality of the herrings sent, and are often obliged either to take them back or to submit to heavy deductions from the stipulated price, rather than have recourse to law. Several such cases were mentioned to us by the witnesses.

10. In reply to the assaults of the abolitionists, it is contended that if it is true that the great curer has been hitherto provided, without expense, with a Government official for foreman, he will have to pay for this advantage henceforward, and that the services rendered by the Fishery officers to the great curer, if not obtained at the public expense, are a benefit to Scotland as well as to him, by enabling him to lay out his capital successfully at various remote stations, and so to give employment to numerous fishermen and poor people.

But they represent that the small curer is much more benefited by the brand than the great one.

By means of the brand the small and obscure curer assumes an equally high position with the curer of wide fame. This great advantage, they represent, is not obtained by the small curer upon the objectionable principle of getting by means of the brand the same price for inferior herrings as for good ones, but is a legitimate and fairly earned equality, inasmuch as his herrings, in quality and goodness, are on a par with the products of the capitalist. The examination for the brand first compels the poor man to reach the same standard of cure as the rich one, and then prevents his want of reputation from entailing the loss of a price to which he is entitled. To enable poor men to compete successfully, both in cure and price, with capitalists, they conceive to be a benefit far greater than any derived by the large curers from the indirect influence of the officers over their workpeople. That influence is exercised over all curers alike, and is a common benefit to all; but the small curer owes his very existence to the brand. They urge, therefore, that if any one is entitled to complain it is the capitalist, whose reputation and resources would enable him at once to seize the market, but upon whom the brand brings down a host of small and upstart rivals. To explain the warm support which these great men give to the brand by the pecuniary saving they effect by means of the officers is to convict them of a gross and absurd miscalculation; for if the official stamp which gives a ready sale to the small men's herrings were withdrawn, the commanding position of their own private brands and the annihilation of their competitors would completely render them masters of the trade.

11. They deny that the standard of cure is reduced to the level of the inferior skill of the inexperienced man; no curer, great or small, lays claim to any secret knowledge or peculiar skill. They maintain that the cure of herrings is not a matter of science, but of care and attention. Barrels of good wood, the earliest possible handling of the fish, great care in gutting, strict attention in selecting uniform, and rejecting broken and improper fish, are the decisive elements of a superior cure. Covered sheds, they admit, are useful, but not so useful as to make any important difference in the quality of the cure. They strongly insist, also, that no man under the brand can be careless with impunity. In a full or falling market (contingencies always possible) such a curer would sustain a certain, possibly, a severe loss.

12. To the charge that progress is arrested, they oppose the success of Mr. Biggar, who won this great foreign trade for Scotland under the brand, and who was, whilst a curer, and is still, in his retirement, a strenuous defender of the brand. He studied in Germany the defects charged against Scotch herrings. He pointed out to the Board that full and spent fish were mixed up together in the same barrels; that broken herrings were found among them; that the fish were packed flat upon their sides, which gave them a lean appearance, and that the barrels were slackly filled, and irregularly salted. He corrected these defects in his own cure, and then his improvement was adopted by the Board. This was the famous "Banff" cure. What Mr. Biggar did, others may do again now. The objection that they lack motive, they assert to be unfounded; for the Germans are large buyers of early unbranded fish, before the arrival of the branded; an improved cure, therefore, applied to these, would at once be appreciated, and there would be no branded barrels in the market to prevent it from obtaining that better price which was its due.

13. It is further argued that no real wrong is done to the curer, who cannot get a higher price for a superior parcel of fish; for his claim to a higher reward does not rest, they affirm, on merit, but on accident—a small catch— an early return of the boats to shore, cool weather, or other favours of fortune. These accidents happen to all alike. The man whose boats bring him 2,000 herrings each of necessity produces a finer parcel than another, who, on the same day, is overwhelmed by boats with 90,000 in each. Every man is a good or bad curer by turns, and every man, by turns, finds, in the successful sale of his second-rate fish, compensation for any extra price which he has lost on his prime parcels.

14. They admit freely that the inspection of a good judge could ascertain generally for a buyer the quality of herrings as satisfactorily as the brand; but it is contended that the two kinds of inspection produce very different effects.

Private inspection detects good fish, but it does not prevent the presence in the market of much that is bad. The officers, on the contrary, at the stations where they are present, watch over the arrival of the boats, and note the condition of the fish; they move about among the gutters and packers, they show themselves unexpectedly at every station of their district, their eye is felt to be ever present, and care and attention are the results; hence a much larger quantity of well prepared fish.

Private inspection, moreover, is too expensive to be carried out anywhere except at the great central marts. Purchasers would supply their wants in these ports first, and curers at the small creeks would be able to sell only after their large neighbours, or, if the demand was slack, could find no sale at all. On them pre-eminently the risks and losses of a most fluctuating trade would be made to fall. The brand, they assert, rescues them from this unequal position. Orders are as frequently given to them now as to the large ports, for buyers are ready to purchase anywhere, provided only that the fish can pass the examination of the officers, and be branded. Without the brand, the curers at the small creeks would be forced either to send their barrels to the great stations at their own cost and with the constant risk of rejection, or else to consign abroad on their own account. The probable end would be that the small ports would fall into the hands of the agents of large capitalists.

There would be great danger, they add, of the frequent and injurious opening of barrels by purchasers without a sale being effected, whilst one inspection now by the officers suffices.

As to inspection in Germany, it is pronounced to be simply ruinous, and to have been found such by experience. There are no good coopers there; the proper pickle for refilling, preserved in Scotland from the overflowing of the barrel during the first few days, is not to be had. The presence of the owner and his people is everything; commission agents having been found to be poor protectors against rejection by purchasers on trivial pretences, and vexatious discounts for alleged defects.

15. They have to deal, too, they say, with people with whom the stamp of a Government officer carries peculiar weight, who are accustomed to buy crown timber, crown staves, crown hemp, and the like, and whom it would take long to persuade to place the same trust in private marks.

16. Lastly, it is denied that any hardship is inflicted on the abolitionist by his being compelled to use the crown brand against his inclination. It is not the English Government, but the foreign customer who forces him to use the brand, and if no harm to the trade is shown to result, why should not the wishes, or even prejudices of customers, be consulted? If Scotland is not injured, why refuse to gratify the German's whim, if so it must be called, on the plea that his ideas are old-fashioned, and that it would be better for him to exercise his intelligence in discriminating between the qualities of merchandise.

Before reviewing the statements advanced on both sides of this argument, it is necessary to state a fact of the utmost importance to this inquiry.

No witnesses have asserted that the branding system of the Board of Fisheries is absolutely indispensable, either to the existence or the prosperity of the herring trade. No witness, when questioned, failed to express a perfect confidence that whatever might be the duration and the amount of the disorder or loss caused by the abolition of the brand, the foreign trade would ultimately be as flourishing as ever. This universal opinion furnishes a gratifying proof of the solid position which the Scotch white herring trade is felt to have attained, and it is satisfactory to us to be able to assure the Lords of the Treasury, on the authority of this unanimous evidence, that in dealing with the brand they have to consider only the relative advantages of a new system, compared with the amount of temporary confusion or suffering by which they must be purchased.

The confidence thus universally entertained seems to us to be well founded. When all other trades thrive without the authentication of the quality of goods by a Government authority, it is impossible to believe that the white herring trade alone cannot dispense with such external aid. The energy of private enterprise which surmounts obstacles in other branches of British commerce will assuredly triumph in this also.

Many facts in the present state of the herring trade confirm this expectation. The markets of Scotland and Ireland flourish without the brand. The trade in pilchards, a fish closely resembling the herring, and which is also exported to foreign countries, has not been injured by the want of a public brand. In Germany, early fish are readily sold without the brand. On the German coasts, the unbranded fish of known curers compete successfully with the branded. When markets are full, the Germans notice quality, and prefer the barrels of superior cure. Moreover, the abolition of the official brand would rescue from an unjust depreciation those portions of the unbranded exports which are equal in goodness of cure to the branded. The Germans are fully aware that large quantities of inferior fish, which could not pass the inspection for the brand, are exported in an unbranded state, to be disposed of at lower rates. Hence there arises a general prejudice against all unbranded barrels, which of course would disappear when none but unbranded could be obtained.

These facts and reasonings convince us that the traders in white herrings are justified in believing that the foreign trade would sustain no permanent injury from the abolition of the brand, and they warrant us, we conceive, in expressing a decided opinion, that if the continuance of the brand involved the violation of any great principle of public policy, we should be bound to recommend its abolition to their Lordships.

Such a violation we should have found in its further maintenance out of the national revenue. We see nothing, either in the actual position of the herring trade, or in the risks of a transitional state, which would justify a claim for an exceptional contribution from the public purse to the support of a particular trade. It would be manifestly against every principle of justice to grant to a single trade a permanent stipend out of the national taxes, merely that it might escape the evils of transition to an unassisted state. This objection, however, having been removed by the resolution of my Lords not to propose again to Parliament any estimates for defraying the cost of the branding system out of the national funds, we shall now endeavour to discuss the expediency of continuing the brand on a self supporting basis, or of abolishing it altogether.

The first argument pleaded by the defenders of the brand states, we conceive, the real issue to be tried. We have to deal with an established and flourishing trade. It employs an immense capital, draws out of the sea a large proportion of the revenue of Scotland,* and is the chief means of subsistence for a considerable part of the population of that kingdom. Still more, it exhibits those signs of healthy life for which the invigorating impulses of competition are sought and valued. It is progressive. It grapples with formidable rivals, and conquers them. Since 1848 the quantity of herrings imported from Great Britain into the ports of Stettin, Königsberg, Hamburg, Dantzic, and Harburg, has increased from 100,297 to 318,263 barrels in 1855, whilst the Dutch imports into the same places have declined from 5,019 to 1,300 barrels, and the Norwegian from 194,862 to 122,423 barrels.

Is it politic, then, to disturb such an organization? Can an adequate motive be alleged strong enough to call for and justify interference? Is it desirable to destroy, in exchange for another, a machinery which is certainly the concomitant, but which is also represented by a majority of those who carry on the trade, to be an efficient instrument of its prosperity? Such we consider to be the practical question to which we are required to give an answer.

1. Now it is essential to observe, that the services performed by the branding are necessary for the herring trade, and must, under any system, be accomplished by some machinery or other. Every part of the work done by the Fishery officers is not only useful, but indispensable. Gutters and packers must be watched, for a few broken or ill-assorted fish would greatly impair the mercantile value of a barrel of herrings. There must be inspection before purchase. That the Fishery officers discharge these duties with admirable judgment is cheerfully and even gratefully acknowledged by all parties.

2. The result is a fact of great moment; the end aimed at is accomplished; the work is done well and thoroughly. The 280,000 barrels which are cured by so many small people, and packed by such multitudes of poor women, distributed over such endless ports and creeks, are what they profess to be, sound and good herrings. Amidst the many attacks made on the brand, there was no accusation that the vast export which it covered ever deceived the confidence of buyers.

3. No one further disputes that a trustworthy mark, attesting the quality of merchandise, whether emanating from a public or private authority, is an instrument of trade of the highest value, especially in the herring trade, in which every man alike is eager to reduce examination to a minimum. It is universally admitted that the foreign consumer is satisfied with the warranty of the Fishery Board;—that by the help of the brand, barrels of herrings circulate with little examination throughout the interior of Germany;—and that disputes, litigation, and repudiation are largely prevented by the brand.

4. In the next place, it cannot be said that the abolition of the brand is demanded by public opinion in Scotland. It encounters the active hostility of some portion of the press, but the opinion of the great majority of the traders is loud in its favour. On the west coast, which supplies the home markets, and does not use the brand, there is no marked demand for its removal. Some oppose it both there and elsewhere in Scotland, upon broad principles of political economy, but the general, though we admit not universal sentiment is neutrality.

We have perceived traces of opposition to the brand having proceeded from a desire to obtain for harbours a sum hitherto expended on the maintenance of the branding establishment, and there is reason for supposing that other motives, foreign to the question of the real worth of the brand, have actuated some of the assaults made upon it.

These considerations, especially the real and great services actually accomplished by the brand, impressed us with the conviction that the expediency of abolishing or retaining it depended practically on the injury which by positive infliction or by the prevention of improvement, it could or could not be shown to bring upon the trade.

We felt the greatest anxiety to determine this point as carefully as we were able, and to learn whether the brand could be justly charged with impeding progress, and what were the improvements of which the cure of herrings, in the judgment of men of ability and experience, was susceptible, but which were prevented from being carried out by the mischievous action of the brand.

Fortunately, we could appeal to the sentence of a judge whose impartiality was above suspicion, and whose knowledge and experience conferred the highest authority on his decision. The west coast of Scotland carries on a large trade in herrings, both fresh and cured, for which the brand is neither used nor valued. Its curers live under the stimulating influence of free competition. They encounter no branded barrels to prevent them from reaping the full reward of improvement, and are acted upon, therefore, by every motive to exertion.

Yet the curers of the west coast declare,—

1. That the cure on the east coast is equal to their own, and is unassailable on the ground of backwardness in improving.

2. That their own highest efforts are directed to carrying out for white herrings the cure prescribed by the regulations of the Board.

3. And that the inequalities observable in the branded fish are inevitable, being the results, not of a negligent or inferior cure, but of the natural variations in the quality of the fish, and the circumstances under which they are caught, adding pointedly that the cure of herrings is conducted on the east coast fully as well as the circumstances of each day will allow.

We conceive that this testimony, supported by the evidence collected elsewhere, determines the cardinal points, that no low level of minimum cure can be charged against the brand, that no general improvement of cure has been prevented by it, and that consequently there is no ground for expecting that its abolition would be followed by a better cure of the 280,000 barrels exported to Germany, taken as a whole, or would bring back to Scotland a larger aggregate amount of money for them.

4. It also disposes of the objection, that the brand commits wrong by equalising prices. It confirms the allegation of the advocates of the brand, that the superiority of a few parcels depends on the accidents of particular days, which, befalling every curer in turn, furnish no ground of complaint to any single one that his skill and exertions are unrewarded.

5. The same negation of a meritorious superiority meets the further objection that the interference of Government is made the instrument of depriving the improving curer of that higher price, which without it he would be sure to realize. A greater or smaller amount of care and attention seem to be the limits within which good and bad curing range. Who is, therefore, wronged, or who can reasonably complain if the Government indirectly enforces care and attention upon all? This does not appear to us to be inter-

* The memorial of the Convention of the Royal Burghs states that the value of the cured fish exported for the last 10 years from Wick and Lybster, in the county of Caithness, gives an annual average of not less than 130,000*l.* whereas the annual value of the whole land in the county was returned in the year 1843 at 66,000*l.*

ference in the objectionable sense of the term. It is a national benefit that many persons should be enabled to cure well, and to prepare successfully an immense export of thoroughly saleable goods. In the face of such vast interests, and such actual success, we are unable to attach weight to the objection of Government interference, unless it can be shown that this interference prevents science and skill from raising the standard of cure, and increasing the prosperity of the whole trade. Moreover, such interference, when the brand is paid for, would be attended by its antidote; for the foreigner, if he insists on the official brand, will have to pay for branded barrels a price enhanced by at least the cost of the fee, in the same market which will offer him equally good fish at a lower rate. He will thus have the strongest inducement, and the power to get rid of the interference of Government, if so it must be termed, both for himself and the curer.

Besides, it must not be forgotten that the curer, who has devised a better cure, may apply it at once to his early unbranded fish, and so make it known in Germany. If approved of there, he can easily do what Mr. Biggar did, add his own brand to the Crown brand, and then he will possess the same facilities as he would under the abolition of the brand. No one has ventured to say that the Crown brand would be refused by the Board to a really improved cure, tested by success in Germany; whilst the absence of any such superior cure among the early unbranded fish is a decisive proof that none such is known to any curer.

6. On the subject, however, of modes of cure, we wish to bring one suggestion under the consideration of the Board of Fisheries. The amount of salt prescribed for branded barrels by the regulations of the Board is determined by the requirements of the foreign export trade, and consequently by what is necessary for preserving the fish in good order for a whole year. It appears, however, that a decided preference is given, for immediate consumption, to herrings more lightly salted. If, therefore, the brand succeeds in maintaining itself, it well deserves consideration whether a separate class of branding might not be established for herrings of this description.

7. But even if superior skill and merit existed, it is not the possibility of curing a small quantity of herrings with higher skill and of getting a larger price for it which ought to decide so wide an issue as that involved in the brand. The real question is, whether the whole export might be better cured, and a more remunerative return obtained for it, by doing away with the brand, than that which is now realized with its help. If this cannot be rendered probable (and we have heard no evidence to make us think it probable), nothing we conceive is proved by demonstrating that some carefully prepared barrels are worth a better price than the rest of the branded herrings and do not obtain it. A nice adaptation of reward to various shades of excellence is a refinement of which great trades are hardly capable. In dealing with large interests, aggregate results, not theoretical accuracies, must be regarded. The Dutch cure is decidedly better than the Scotch, and fetches more money too per barrel; but the Dutch export trade, as a whole, is thoroughly beaten in the competition with the Scotch and is rapidly declining.

We are thus brought to the conclusion, that there ceases, by the adoption of a self-supporting system, to be any adequate motive for disturbing the existing arrangements, and hazarding, though only for a season, the present prosperity of the foreign export trade of white herrings, by the abolition of the official brand.

There remain some peculiar considerations of great practical weight, which enforce the expediency of retaining the brand.

1. Nothing has been more strongly or more generally insisted on throughout the evidence than the great value of the change, which of late years has brought German buyers to Scotland, and diminished the necessity for sending consignments on Scotch account to Germany. We trust we shall be excused if we dwell a little on this important matter.

These German merchants are gentlemen of high commercial position, and large capital; their means enable them to prevent or lessen gluts abroad, by feeding the markets regularly, or by holding on their herrings till better prices return. They do not hesitate to make large contracts for the purchase of herrings whilst the fish are still swimming in the sea, on the sole condition that they shall be branded, and it often happens that they are compelled to buy largely of the remainder of the season's catch, to prevent the market abroad from being ruined by the forced sales of later shipments. Not unfequently they advance capital upon these contracts to the curers, who in their turn find a safe basis in the stipulated purchases for making engagements with the fishermen for boats.

The fishermen are great gainers by this system, for the curers, having contracted to deliver to the merchants large quantities of herrings, are eager to engage boats, and run up the price to be paid to the fishermen per cran of fresh fish by keen competition with one another.

We found at Wick a remarkable illustration of this system: we were informed that from 70,000 to 90,000 barrels had been bought, and in part paid for before the fishing had commenced, at prices varying from 23*s.* 6*d.* to 24*s.* 6*d.* per barrel. On the other hand, curers had generally engaged boats at 16*s.* per cran (about 5 per cent. more than a barrel of cured fish, after deducting broken fish) with 5*l.* bounty for the season, and fishermen were standing out for 18*s.* The barrel, packing, &c., are computed to amount to 6*s.* 6*d.*, thus leaving but a very narrow margin of profit to the curer; he finds, however, in the certainty of that profit compensation for the chance of increased gain on consignment.

On the other hand, the system of consignments brought many small and needy sellers as rivals into the same market abroad, ruining each other in the natural gluts of large catches, creating artificial gluts by their impatience to effect sales, and exposing themselves to numerous charges and vexations.

The fisherman's position under this system was very different from what it is with the contracts; the curers not having sold their fish beforehand were under no pressure to engage boats, and in settling with the fishermen the price of the cran, they reserved a large margin wherewith to protect themselves against the uncertainties of sales abroad.

It is obvious how great a stability these contracts give to the trade, and how they are calculated to reduce the risk of its natural fluctuations to a minimum.

2. We have received the most positive assurances from Germans, both orally and through correspondence, that their exportations are wholly based on the security for the quality of the goods provided by the brand, and that if the brand is abolished they will withdraw from a trade in which the risks will, in that case, not be compensated by the profits. Such predictions of future conduct, however honestly made, cannot of course be received as certainties; many unforeseen circumstances may induce a change of mind. But, on the other hand, it is clear that the position of a German merchant would be greatly effected by the abolition of the brand. It is difficult to see how the buying by contracts could be extensively carried on without some neutral judge to pronounce on the quality of the goods delivered. The state of the market may furnish a strong motive to one party to find needless fault with the barrels, or to the other to contrive their rejection. The merchant will probably be driven to defer his purchase till he can inspect what he buys; not improbably he may prefer to inspect abroad, and then the contracts, with their advantages, disappear.

And it must not be forgotten, that merchandise which cannot be challenged may attract eminent merchants, who would stand aloof from the annoyances and chicanery incident to so disputable an article as cured herrings. Assuredly the dealers in the red herrings and other fish trades do not, for the most part, belong to the same class of society as the German merchants now connected with the white herring trade; and though Germans may still engage in the business, they may be very different Germans, and produce very different effects on the trade.

3. One weighty inference we conceive may be justly drawn from the preceding description. The system of contracts, combined with the competition of small curers, whom the brand allows to take up or abandon the cure of herrings with ease, secures for the fishermen the largest possible share in the division of the total profits—a larger share, we believe, than what he could obtain under any other system. This fact makes the support given to the brand by the great majority of the curers and the merchants the more remarkable and the more entitled to consideration.

4. The bearing of this wide question on the peculiar population of the West Highlands should not be left out of account. In the counties of Caithness and Sutherland, the chief seats of the foreign trade, a large proportion of the boats are manned by West Highlanders, who migrate annually—both men and women—in great numbers to the fishing on the east coast. It is computed that 5,000 resorted this year to the district of Wick alone. A few are owners of boats, but the larger part serve as hired men, receiving about 1*l.* each a week from the owner of the boat, besides board and lodging. They come from barren regions in which agriculture affords but scanty subsistence; and for them the herring harvest is the great resource of the year: it is reaped by the hard toil of nine weeks—a consideration of some national importance. They acquire in it habits of industrious energy, and learn their value by the reward which they bring. The commodities which they carry back home as the fruits of their labour beget the wants and desires of civilization,

and thus steadily, though slowly, moral and social improvement is diffused over the west.

Already things are spoken of at Wick which were unknown before. The Highlanders, profiting by the eagerness of curers to engage boats, and their readiness to make advances, are becoming owners of boats and buyers of nets. Property will gradually create the habits which acquire and preserve it; whilst, on the other hand, the actual poverty of the population leaves them ill prepared to bear the pressure of a period of transition. The desire to soften the trial, and to expose to the least possible risk the incipient change to a better order of things, may reasonably claim to reckon for something in considering the expediency of abolishing the brand.

5. But even upon the supposition that its abolition was decreed, and with the sole view of carrying it out, we conceive that its continuance for a short period, on the payment of a small fee, would be the gentlest and most economical process which could be adopted; the most economical, because the receipt from the fee would much exceed the difference between the retiring allowances of the Fishery officers and their full salaries; and the gentlest, because the shock of a sudden transition would thereby be avoided. It is of the utmost importance to give the German consumer time to learn, by experience, that herrings may be bought with safety, without the old familiar brand of the Fishery Board. And what stimulus so effective to make him learn that lesson quickly as the pecuniary gain which it brings him? Whilst the official branding lasts, some will be attracted by the cheaper price of the unbranded, others will value security for the good quality of the goods they buy more highly than the extra cost which it entails, but both together will sustain the consumption till the full change shall have been gradually completed.

6. Lastly, it must be observed, that the imposition of a fee will do much more than merely relieve the public purse from the cost of branding. It will test the reality and importance of the benefits imputed to the brand; and, if successful, will establish them beyond dispute. The experiment will be made in the face of unrestricted competition: the Crown brand will be loaded with a charge from which its rivals will be free, and if it maintain itself it may justly claim to be considered to rest on competition as truly as any of the private brands with which it will have to contend. We are at a loss for a principle on which we could urge the Government to take away from a great trade a convenience which we have shown to be harmless, which will cost the nation nothing, and whose value will be attested by the surest of proofs, the free demand of the traders to purchase it.

On all these grounds, we have come to the opinion that the abolition of the brand is inexpedient, and we beg to recommend to my Lords its continuance, on the condition that it shall be self-supporting.

The question now presents itself, whether the fee will be paid, and whether such a numbes of barrels will be branded as shall be sufficient to defray the cost of the branding establishment of the Board. We regret that we are unable to furnish their Lordships with any satisfactory reply to this question. It is one which does not admit of being answered now. The answer must be sought in Germany by the test of experiment. Whatever is now said by Scotchmen respecting their intention to pay for the brand or not is purely speculative. They will ask for the brand, and pay for it, just according as they find that they are repaid its cost by a better price or readier sale. The decision rests with the German buyer. If he prefers branded barrels, with the extra cost of the fee, the brand will be demanded and support itself. The character, however, of the fishing during the experiment will greatly influence the result. A small catch would enable unbranded fish to sell freely, and the brand would be in diminished request; a large catch would produce the opposite effect. It is certain that the experiment of pushing sales of unbranded fish would be largely tried during the first year under the fee. On the other hand, it is not impossible that the German merchants, who are anxious to keep up the brand, will rigorously require it to be applied to the herrings which they purchase, and will themselves pay the fee. What the issue of this conflict will be it is difficult to foretel.

It may be thought that the uncertainty whether the brand will be able to sustain itself may be prejudicial to the trade, and that its immediate abolition would be attended with less harm. But we cannot discover any particular mischief which can flow from this uncertainty. The engaging of boats does not begin before October in each year, and by that time the quantity of barrels which will be branded for the season can be very closely ascertained. A public notice published in October of any year, that the brand has ceased to be self-supporting, will give ample time for making every arrangement required by its discontinuance before the following season in July. There is no fixed capital of any consequence in the trade, with the exception of the boats and nets, and these are not affected by anything but the state of demand and prices from October to the actual season of the fishing. The arrangements of the trade are really annual. Notice in October will give abundant leisure for providing substitutes for the superintendence and inspection of the officers, as also for the merchants to settle whether they will purchase herrings or not in the ensuing July. A year's notice must in any case be given before the brand can be abolished; and we are not aware of a single important matter which depends on what may or may not happen to the brand after the interval of a year.

We propose that the trial whether the brand will support itself should be continued for two years. The second year will furnish the decisive test of the real value which belongs to the brand. If, in October 1858, it is seen that the expense of the branding establishment will not be covered by the receipts from the fee, we recommend that immediate notice should then be issued that it will be discontinued in 1859.

With regard to the fee which should be demanded for the brand, several suggestions have been offered, involving in some form the imposition of a tax on every barrel of herrings cured, whether branded or unbranded,

We are of opinion that any such assessment would be impolitic and unjust. We know of no principle which could justify a compulsory payment to the support of the brand by those who think it injurious to them in foreign markets, or never use it in the home trade. The general and active hostility which such an impost would excite would speedily be fatal to the brand.

The only just and practical principle seems to us to be, that those who use the brand, whether as curers or buyers, should bear the cost of its establishment.

In determining the fee which should be charged for the brand, we beg to submit to my Lords, that we propose to continue the administration of the grant for piers and harbours in the Board of Fisheries, with increased duties and no increase of salaries; that this institution, therefore, with its necessary establishment and expense will remain, whether the branding sustains itself or not; and that consequently it appears to us to be just to charge the trade with that additional cost only which the Board will incur by keeping up an establishment for branding.

The present establishment for officers and clerks for the Board of Fisheries, approved by the Treasury Minute of 4th December 1849, is as follows:

	£	s.	d.
Secretary - - - - -	524	0	0
4 Clerks - - - - -	690	0	0
Messengers - - - -	101	12	0
2 Inspectors - - - -	400	0	0
24 Officers - - - -	2,440	0	0
	4,155	12	0
Travelling Expenses - -	660	0	0
	£4,815	12	0

It appears to us that the sum of 200*l.* of the secretary's salary, and 150*l.* for clerks, will be an equitable apportionment of the cost to be charged against branding; the remainder of the salaries belonging to statistics, conventions with foreign powers, police, and piers and harbours, with all which the branding has no connexion.

There is no branding on the west coast; the officers, therefore, stationed at Glasgow, Greenock, Rothesay, Inverary, Loch Carron, Loch Shieldaig, Loch Broome, Stornoway, and the Isle of Man, cannot be considered as forming part of the branding establishment. The services of these officers, when on their own duties, have been confined to police and statistics; but during the branding season several of them are removed to the east coast, whose regular establishment is inadequate to perform the full work of the branding. We propose to abolish all these nine officers of the west coast, transferring their duties to a different machinery, to be explained hereafter; and, in order to compensate the east coast for their loss during the pressure of the season, we recommend the appointment of four supernumeraries for a portion of the year, to assist in the branding.

The saving thereby made, in travelling expenses alone, would be considerable.

The cost of the branding may therefore be reasonably estimated thus:—

	£
Secretary - - - - - - -	200
Clerk - - - - - - -	150
Inspector - - - - - - -	250
15 Officers - - - - - - -	1,800
4 Supernumeraries, at 70*l.* - - -	280

Travelling - - - - - -	400
Office, &c. - - - - - -	200
	£3,280

This expenditure would be met by a charge for branding of 4*d.* per barrel.

	Barrels.
Quantity branded last year - - -	280,000
Deduct ¼ for diminished use of the brand when paid for - - - - - -	70,000
Estimating barrels for branding -	210,000
Which, at 4*d.* each, would produce - -	£3,500

The abolition of the nine west coast officers would effect a saving to the Government of 1,100*l.* besides the 3,500*l.* obtained from the trade to defray the cost of the branding.

Before concluding this branch of the subject, we are anxious to represent to their Lordships the high respect which is paid to the Fishery officers by every person connected with the herring trade. Considering the difficult and delicate nature of the duties which they are called on to discharge, the responsibility they lie under, and the small salaries they receive, the tact, discretion, and integrity, as well as kindness in giving counsel, which are imputed to them on every side, deserve the highest commendation. And it reflects much credit on the management of the Board of Fisheries to have reared and kept up so respected a body of public servants.

Extracts from Admiral Sulivan's separate Report.

Finding that I cannot possibly coincide with the other Commissioners in their opinions on the value of the brand, or their recommendation that it should be continued with the hope of its being made self-supporting, I am compelled to explain my reasons for thus differing, in a separate Report.

The advocates of the brand comprise a majority of the curers, the foreign buyers, and nearly all the merchants and Fishery officers. Its opponents comprise a minority of the curers, and a small proportion of merchants and officers. The evidence on both sides has been so fully and ably summed up in the Report of the other Commissioners, that I shall only briefly notice it under the different heads, in order to connect my remarks with the different points of the evidence.

1st. The effect of the brand on the cure.

Its advocates assert that it is owing to the brand alone that the present cure has been reached, and that without it the cure will fall off, as it is the influence of the officers over all persons employed that keeps up the cure, and not the personal interest of the curer.

Its opponents, on the contrary, insist that it prevents a still better cure, as it brings down the price of all branded fish to the level of the lowest quality that is just good enough for the brand; and they assert that the interest of the curer, and his desire to establish a character for his own brand, must at least have as much effect in preserving a good cure as any inspection by a Government officer.

The brand merely ensures a cure of a certain quality; it requires full and spent fish to be separated, and that they shall be cured within 24 hours of catching; they have then to remain 10 days in salt, after which the casks are filled up. If these conditions are complied with the brand cannot be refused.

From unavoidable as well as many avoidable causes, a great difference in value must exist between different branded parcels, some being of superior quality, while others have only just escaped rejection by the officers, yet all are brought to one level in price.

Its advocates only claim a preference for some curers' parcels over others when the market is full, and it is generally allowed that branded fish are bought on the brand alone, without considering the quality, or the character of the curer, yet the difference in quality is allowed to be 2*s.* to 4*s.* per barrel.

It must, I think, be evident to everybody that, under such a system, no man will incur expense to improve the cure, or to gain a character for his private brand. But I have little doubt that a still greater difference in value really exists between the best and worst full branded parcels of the same season.

The Dutch herrings are the same quality when caught, and their superiority is owing to their being cured directly they are taken out of the water. This is partly owing to the fish bleeding when gutted, which makes them whiter, and partly to their not having time to soften before they are cured. Every hour fish are kept before gutting and curing adds to the softening and therefore the injury of the fish; and being exposed to sun and rain is still more injurious. It is therefore evident that if they are caught near the harbour, landed early, placed under cover, and cured immediately, they will approach as near in quality to the Dutch herrings as the nature of the Scotch fishing will allow of.

Many curers have covered curing yards, in which, however large the catch, the fish are protected from sun and rain, and can therefore never be as much injured as those must be that are exposed at the same time either to sun or rain; yet a very large proportion of the branded fish are cured in this inferior manner. Many of the large curers have only open boxes on the quays or shores, and we have seen fish landed, after being exposed to a hot sun in the boats, remain untouched, except having a little salt thrown on them, under a burning sun till past ten o'clock; and this with a moderate catch. We were told they would all be cured by two o'clock; but with large catches it is sometimes night before they are finished. Those fish would all get the brand, and obtain therefore the same price as others that have been landed before sunrise, and cured before eight o'clock.

I cannot think it just or fair to the more careful curer who incurs the extra expense of covered curing yards, that a Government officer should step in to bring the price of his fish down to the level of those I have described, or to prevent his reaping any benefit that his better cure may deserve.

Is it reasonable to suppose that if all curers had to depend on their own exertions, and the character of their private brands, such careless curing as that I have described would be continued? unless, to save expense, they were satisfied with receiving a lower price for their fish.

As the Dutch herrings sell for 15*s.* to 1*l.* a barrel more than full branded Scotch herrings, owing to their superior cure alone, I cannot think that the difference between the best and worst full branded fish, cured under the different circumstances I have described, can be only about 3*s.*

The opinion that without the brand the cure will fall off, is practically answered by the fact that on the west coast they do not use the brand at all, as they supply the Irish and home markets; yet the cure is at least as good as it is on the east coast. The curers on the west coast do not claim any superiority of cure, and think that the price they get, from 5*s.* to 15*s.* above the best branded fish, is owing to the superior quality of the fish when caught; but as they cure generally in vessels, as the fish are caught near the ports where the vessels lay, and are consequently cured at an early hour, it is probable the quality is partly owing to the cure.

Though much stress was laid by the advocates of the brand on the advantage of the officers going through the yards and watching the cure, it was distinctly proved that many parcels presented for the brand have never been seen before by the officers, and that they depend on the inspection alone for ascertaining the quality.

2d. The importance of the brand to the curer and buyer.

Its advocates assert that it gives great facilities for carrying on the trade, and that without it the difficulty of getting the fish into the German markets would be so great that a serious injury would be done to all connected with the catch, cure, or sale of herrings.

On the other hand, its opponents allow that it has helped to establish the trade; but they assert that the time has arrived when all Government interference should cease, and the trade be left to stand on its own merits alone. They also speak with confidence of being able to carry it on without experiencing the difficulties and injuries that the other party fear.

It appears to me that the real value of the brand to the curer is, that it enables persons to carry on an extensive business at many different stations much more easily and cheaply than they could without it. They depend on the officers doing great part of their work for them at the public expense; without them, they would have to attend more closely to their own business, and also to employ persons at higher salaries than they now do to superintend their numerous curing stations.

The knowledge that the herrings when cured will be liable to inspection by the officer makes all employed as careful as if the master's eye was on them. Each salter's initials are on the casks he packs; and if any are rejected by the officer, the master can visit it on the persons in fault. It is evident to me that, under a system of sale by private inspection, the master would have exactly the same check on those in his employ, the only difference being that the parties who are interested would have to pay for it instead of the public.

The chief value of the brand to the purchaser is, that even without knowing anything of the article he is dealing in, he can, without any trouble or expense, buy parcels of cured herrings which have been inspected by a Government officer,

and a certain quality guaranteed by a Government brand.

Without the brand, he would either have to inspect every parcel he buys, in the same way the officer now inspects them, or, if incompetent to decide on the quality of cure, he would have to employ an agent to do that portion of the work for him.

Not one of the advocates of the brand could give a reason that I considered satisfactory why such a mode of conducting the trade could not be adopted. It would, of course, cause a slight additional expense; but we have the testimony of one of the most intelligent of the Fishery officers, that he, or any good judge of cure, if employed to inspect for purchasers, could ensure the quality of the fish purchased quite as well as by the present system; and that he could, during a season, inspect a sufficient quantity to make a commission of 2*d.* a barrel, or even less, an adequate remuneration.

To the smaller curers, selling in Scotland to foreign buyers, this mode of sale would, I think, prove as satisfactory as the present system. They would only have to submit their fish to the same kind of inspection as at present. It is true that the purchaser now often buys from them at the different out stations by letter only; but the officer has to visit their stations and inspect the parcels to be branded; and the purchaser or his agent could certainly do the same at no greater expense.

Strong efforts were made by the advocates of the brand to show that the small curer would suffer more especially if it were abolished; but the conviction on my mind from the whole of the evidence is, that it will make no difference to that class of curer who cures only at one station, and looks after his own business. I think this is the class that will be more likely to produce the best cured fish, if they have to depend on open competition. Those large curers who cure at many different stations are much more likely to feel the inconvenience of the withdrawal of the officers, who have really been acting as their unpaid assistants.

When, in the course of a few years, these smaller curers had established the character of their cure and private brands, it is probable that a much slighter inspection would satisfy purchasers, and I cannot doubt that in many cases parcels would be sold to order on the well-known character of the curer alone. In the red herring trade, we had the evidence of one curer that he has large orders from London houses some time before the fish are caught. They are for the foreign market, but are ordered and delivered without examination, on the credit of his brand alone.

Large curers, exporting their herrings to Germany, would save the inspection now made by the officer, but would probably sell to the buyers in the German ports, or to the agents from the interior, by a similar inspection, until the character of their cure was established. We were told that the barrels could not be examined in Germany without serious injury to the fish; but if parties prefer consigning their fish to an agent at Stettin to selling them at home, it cannot be very difficult to provide the agent with a good cooper who will open the casks and close them again with as much care as is now used in opening for the inspection of the officer. Some of these points are so self-evident that I almost hesitate to notice them; but many of the witnesses laid so much stress on them that I cannot pass them over without remark.

3rd. The necessity of the brand for the German trade.

Its advocates assert that it gives a higher value to the fish in the German market, enabling parties to sell and resell entirely on the faith of the brand, and so pass them into the interior without examination.

Its opponents allow that, under the present system, the brand is necessary, as directly branded fish reach the market no others can be sold without a reduction in price of about 3*s.* a barrel, and therefore those most opposed to the system are obliged to use the brand. But they assert with confidence that if all Government interference is withdrawn, the trade will soon go on as well without it, on the character and brand of the curers alone.

That the brand gives a certain value to the barrel of herrings over the unbranded, when both are in the market, there can be no doubt whatever; but it is, I think, equally certain that the market price is regulated by the supply and demand, as in all other trades. In the early part of the season, fish lightly salted and less closely packed, for speedy consumption, are sent into Germany without any brand, and meet with a ready sale at good prices; and there appears to be no difficulty in carrying on that unbranded trade, or in sending the barrels into the interior without any injurious inspection; but directly branded parcels come into the market the unbranded parcels have to be sold at a lower price, whatever their quality; and consequently that trade has to be given up, and the brand adopted generally.

One effect of this system is, that no other kind of cured herring can be sent into the market but the thoroughly salted and packed fish that the Government officers can alone give the brand to, and which are intended to keep good for at least 12 months. Fish salted more lightly and less closely packed are allowed to be superior, if required for consumption within three or four months; and if the trade were entirely free, it is probable that at all times there would be a demand for a certainty quantity cured in this manner, for the consumption of the higher classes, who now give such good prices for the Dutch herrings.

The officers allow that a superior quality of fish can be cured in this manner, if not required for keeping above four months; but however superior in quality they cannot brand them, and therefore no one can send them to compete with branded fish.

If the trade were open, I feel confident that different kinds of cure, to suit different classes of customers, would become the rule, and a nearer approach in quality and price to the Dutch fish would be attained.

Again, it is said that a slightly better cure can be made by the use of Lisbon salt, at an additional expense of about 6*d.* per barrel; but no one will use it so long as he cannot get even 6*d.* over the market price for other branded fish.

4th. On the effect the abolition of the brand would have on the present course of trade.

Its advocates assert that the trade would be so seriously injured and all confidence so thoroughly destroyed if it is done away with, that the German buyers in the Scotch markets, who are now of such great benefit to the trade, would give it up entirely, and so cause a serious injury to all engaged in the herring fishery.

Its opponents almost ridicule this idea; they say that so long as the Scotch have herrings to sell, which Germans want to eat, so long will buyers come; but that if they were to give it up there are Scotch merchants who would take their places.

Time would alone show which of these views is the correct one; but I think a good opinion may be formed on the subject from what has taken place when a similar change was made in other fishing trades.

Cod and ling, cured for exportation, were examined and branded by the officers up to 1850. The chief trade was from the Shetlands to Spain, and the fish were ordered and delivered on the faith of the brand alone.

Since it has been abolished, Spanish buyers have sent agents to the Shetlands, who buy the fish by inspection and the trade has gone on as well as it did before. The amount exported appears to have fallen off slightly until last year, when it reached an amount above the average of the five years preceding the change, and considerably above that of the three preceding years. The falling off was in all probability caused by increasing demands in the home markets; for instead of the cod-fishing interests suffering by the change, the average yearly quantity, cured from 1845 to 1849, inclusive, was 90,800 cwts.; and this was larger than during any previous five years; but from 1851 to 1855, it reached the large amount of 104,800 cwts., the year 1855 showing a return of 113,561 cwts.

I have no doubt that many at the time declared the abolition of the brand would ruin the fishery. So far from the cure falling off, we were assured that it has steadily improved, and that fish, cured as they were some years since, could not now be sold in the London market.

The haddock fishing has also increased, the cure improved, and the trade prospered in a remarkable manner for some years past; yet it has had no Government brand to assist it.

I am convinced that much of the prosperity in the different classes of fishing is owing to the increased accommodation and protection afforded to the fishermen by the harbours constructed on the east coast, with the aid of the grant administered by the Board of Fisheries; and I cannot refrain from expressing my opinion, that had the brand been abolished some years since, and half the money it has cost yearly been employed in improving and constructing fishing harbours, it would have conferred a far greater benefit on all who have an interest in the Scotch fisheries.

It has been asserted by many witnesses that as a cod, ling, and haddock are cured dry they afford no comparison with the herring trade; but this objection cannot apply to the pilchard trade.

The pilchard is something similar to the herring; the fishing is carried on during a few weeks only, they are salted in casks, and have for a long period been exported to Italy.

Formerly this fishing was also under the Scotch Board, and the brand was used as it is for the herrings, an officer being stationed in Cornwall for that purpose. Since its abolition the Italian buyers have employed agents in Cornwall to examine and purchase the fish, and the trade has gone on as well as ever. One of the leading persons in-

terested has stated that they are glad both officer and brand have disappeared.*

Now, if in these two foreign trades agents have been sent to inspect and buy the fish since the brand was withdrawn, and, in fact, to do the same work that the officers did before is it at all likely that Germans, who now employ agents to buy in Scotland, will cease to do so, from the very circumstance that has caused foreign buyers in similar trades to employ agents in this country for the first time?

5th. Dishonest and fraudulent curers injuring the whole trade.

The advocates of the brand assert, that if the Government inspection is withdrawn, attempts at fraud are sure to follow, and that, consequently, the character of Scotch herrings will suffer, and the whole trade be injured.

Its opponents reply, that any frauds of the kind could only drive the dishonest curer out of the market by destroying all confidence in his cure and private brand.

The correctness of the latter opinion is, I think, proved by the evidence of the curers on the west coast, where the brand is not used, and they have no interest either way. They show that attempts to pass off inferior fish can only injure the person who does it, as he would probably have to give up the business, or at least to submit to a much more rigid and troublesome inspection of his fish in future.

It is, I think, evident that far from injuring the honest and superior curer, it would ensure a greater demand for his brand; but so strong must be the motive, from self-interest alone, to supply a good article, that little fear need, I think, be entertained of any serious frauds being attempted.

6th. On the amount of injury that would be caused by the abolition of the brand.

Its advocates allow that, for the home markets, amounting to two-thirds of the whole trade, the brand is unnecessary, and therefore it is to one-third of the trade only that their arguments can apply. They even allow that it is the temporary injury and confusion they fear; while they admit that in time it would probably recover itself, and be carried on, as other trades are, by a system of private inspection, in which the characters and brands of the curers would greatly assist.

On the other hand, the opponents of the present system assert that the effect, even at first, would be unimportant, if certain notice was given by Government of the intended abolition; that the trade would become steady, and that the evils connected with the brand at present outweigh any to be feared from its being withdrawn. They assert that no Government interference is necessary, and that they know no reason whatever why this trade cannot be carried on as other trades are, on the principle of open competition in the market.

The evidence of parties most strongly in favour of the brand appeared to me to confirm in some measure the views of their opponents, from the great difficulty all appeared to labour under when pressed to explain what the serious injury they anticipated really amounted to, and why the trade could not be carried on, as other trades are, without Government assistance. They appeared to overlook entirely the objectionable principle of such interference, and to rest much on the argument that, because they find the present system answer well, it would be wrong to alter it; but they seemed to object to carrying on the trade by private inspection, chiefly on the ground that it would add to the expense and trouble.

Not only did they entirely fail to convince me that there is anything peculiar in this trade to make Government assistance necessary, but the evidence satisfied me, that, as an open trade, it would have an advantage over most other trades, as it would be carried on almost without competition from other quarters. Dutch herrings are not supplied in sufficient quantities to compete in the general market, and their price confines their use to the wealthier classes. The Norwegian herrings, with the exception of a small and unimportant portion, are so inferior in quality when caught, that no mode of cure will enable them to compete on equal terms with the Scotch, which appear to have the entire command of the principal German and Polish markets, but of course subject to the usual rules of supply and demand that must govern all trades.

One of the most intelligent and influential witnesses remarked, that when the supply was moderate, and the demand regular, they wanted no brand, as it could do them no good, and that when the supply exceeded the demand, the brand was useless, and could not save them from the usual course of trade in such cases. If any proof were necessary to support such a common-sense argument, it is to be found, in a very striking manner, in the history of the German trade in 1849, when the supply being excessive, the net returns for the best branded fish were as low as 5*s.* and even 3*s.* a barrel, which inflicted a ruinous loss on either the curers or merchants.

In consequence of the good demand in Germany last year, and the prices obtained, contracts were made with fishermen and merchants for this season at a higher price than had been known before. If the catch had proved a very large one, it is probable that merchants and those curers who export their own fish would have suffered greatly, notwithstanding the aid of the brand, and the moderate catch of this season has probably prevented very serious losses. For the same reason, if the brand is withdrawn, and the supply the following year should only be in proportion to the demand, all will go on smoothly; but should an unusually large catch cause very full markets, prices will come down, perhaps even below what the curers have paid the fishermen, and great losses would follow, which would then be attributed by many to the withdrawal of the brand. The peculiar nature of the trade must always make it liable to these fluctuations.

7th. On retaining the present system, but endeavouring to render it self-supporting.

While one party consider this would be preferable to its abolition, and generally express their willingness to pay for it, another party of those most favourable to the brand, and including some of the largest and most influential curers, positively declare they will not pay for it, but will endeavour to force the Government to continue the present system.

The opponents of the brand object as strongly to its being continued, in hopes of its being self-supporting, as they do to the present system. They assert that it would equally prevent competition in cure; while many who object to any Government interference whatever, and are quite willing to depend on open competition, would be compelled to use it, and pay for it, or they would not be able to compete with branded fish when selling to buyers for the German markets.

With respect to the probable payment for the brand by the trade, there is little difference of opinion; the general impression being that the German buyers would compel its use as at present, and that consequently a large portion of the curers, including nearly all the smaller ones, would be forced to pay for it; but that large curers exporting their own fish would try to do without it.

In considering this question, I will pass over the objectionable principle of Government interference, and will explain the manner in which a self-supporting system could alone, I think, be carried on.

In the first place, it would be necessary to reduce the estimated expense of the brand to the sum that would be actually required for a somewhat reduced staff of officers, together with such a portion of the secretary's salary and office expenses as would be due to that portion of his duties only. Without entering into particulars, it will be sufficient to say that the expense would probably not exceed 4,000*l.*, or at the rate of 3½*d.* a barrel, taking the number branded in 1855, a very abundant year, and 4½*d.* a barrel for the number branded in 1854. As some now using the brand would certainly not pay for it, I consider that a tax of at least 6*d.* per barrel would be necessary. There will be this difficulty in fixing a sum, that the higher it is, the fewer will be the number paying for it.

The salaries of the officers, and other expenses, would of course have to be voted in the usual manner, but the payments for the brand could only, I think, be regulated by levying a tax on every barrel of branded herrings which could be collected by the Custom-house authorities on shipment.

There is, I think, one very serious objection to such a plan, and that is, the uncertainty in which the trade must be carried on from year to year. Even in the first or second year of its existence, if the payments prove insufficient to meet the expenses, a vote of the House of Commons would probably at once put an end to it.

Nothing can, I think, be worse for any trade than such uncertainty and doubt, and, therefore, without considering the objectionable principle of Government interference, but looking only to what I believe to be the real interests of the trade, I cannot possibly recommend Her Majesty's Government to try such an experiment.

Having given the whole subject, which was entirely new to me, my most serious consideration, I have no hesitation in advising strongly, that instead of attempting to continue the Government interference in this objectionable manner,

* Since writing this Report, I have received much additional information on the pilchard trade, which in every respect confirms my opinion. The trade is a much larger one than I had any idea of. The average quantity cured between 1844 and 1854 was 48,000 barrels—in one year it amounted to 84,000—and of these four-fifths were exported. The agents inspect the cured fish by opening a small portion of the casks. No difficulty whatever is found in carrying on the trade, and the interference of a Government officer would now be strongly objected to.

it should be entirely withdrawn, after sufficient notice being given, and the trade left to depend on its own merits alone.

As contracts are often made nearly a year before the fishing commences, I think at least one year's notice should be given. I would therefore recommend that the present system, so far as is necessary for the brand, should be continued for one more fishing season, and that after 1857 all Government interference with the trade should cease.

Some witnesses have gone so far as to assert, that if the brand is no longer paid for by the public, but is continued by the desire of parties in the trade, who are willing to pay the expense through a tax levied on the barrels, it ceases to be a Government interference at all; that is, a staff of officers appointed and paid by the Crown, and who put a Crown brand on barrels of herrings to give them a certain value over those not branded, is not to be considered a Government interference, because at the same time a tax is put on the branded barrels in order to make the staff of officers self-supporting. Yet this tax is to be forced by a majority on a minority, who assert it does them harm instead of good.

To me it appears to be a more objectionable interference in one respect than the present system; for one forces the brand on the minority, but gives it to them for nothing; the other, if adopted, would add compulsory payment for what they believe is no benefit to them.

No. 48.

Copy of a Letter addressed by the Royal Commissioners to the Right Hon. Sir George Grey, Bart.

Sea Fisheries Commission,
6, Adelphi Terrace, W.C.,
November 2, 1864.

Sir,

As Chairman of the Royal Sea Fisheries Commissioners, I have the honour to bring under your notice the accompanying extracts (marked A. B. B 1. C.) from the evidence taken before the Royal Commissioners in the islands of Lewis and Skye on the 6th and 8th of August last.

This evidence, given by persons not directly interested in the fisheries, but who, from their official position, have full means of knowing the condition of the population, is to the effect that the existing regulations respecting the close-time for herrings operate in such a manner as most seriously to diminish the supply of food to a population deeply sunk in poverty, and liable to the recurrence of periods of extreme distress.

Were this a question in which only economical principles or commercial interests are involved, the Royal Commissioners would not feel entitled to anticipate any part of the Report which it will be their duty to lay before Her Majesty, but, under many contingencies, the maintenance of the existing system of close-time—so far as it prevents the catching of herrings for food during the month of January, at the very least, and so far as it prevents the taking of herrings for bait from January to May, inclusive,—may bring positive famine and all its attendant evils upon a very considerable proportion of the population of the Hebrides.

And this suffering, it is to be recollected, will be inflicted upon these people as the result of the carrying out of a system which has been formally condemned by one Royal Commission, and assuredly has not been justified by any evidence brought before the Royal Sea Fisheries Commissioners in the course of their present inquiry.

The Royal Commissioners are anxious to avoid overstepping in the slightest degree the bounds of their commission; and, in now bringing these facts under your notice, they simply desire to relieve themselves of the moral responsibility which, as they conceive, would attach to them were Her Majesty's Government to remain unaware of the evil which, during the ensuing winter, may flow from the enforcement of the laws relating to close-time on the west coast of Scotland.

These laws, as you are probably aware, are exceptional, and are applicable to no other part of the coasts of the United Kingdom.

From the appended extract from the evidence given by Mr. A. K. Mackinnon it will be observed that the Scotch Fishery Board have already had their attention directed to the subject.

I have, &c.
(Signed) James Caird,
Chairman.

A.

Extract from Evidence given by Allan Ross, Inspector of Poor, before the Royal Sea Fisheries Commissioners at Stornaway, on the 6th of August 1864.

"(*Mr. Caird.*) Can you tell us what has been the effect of the adoption of a close-time during the last two years upon the interests of the fishermen?—(*Mr. A. Ross.*) It has had the very worst effect in my opinion.

"In what way?—It has demoralized the people, and brought them in contact with the law of the land."

B.

Extract from Evidence given by Thomas Fraser, Deputy Sheriff of Skye, before the Royal Sea Fisheries Commissioners at Portree, Isle of Skye, on the 8th of August 1864.

"I beg to refer to my letter* of the 12th September 1862 to the Chairman of the Commissioners acting under the Royal Commission of 1862 for inquiring into the operation of the Acts relating to trawling for herrings, and which letter is printed in the Report of that Commission.

"To the views stated in that letter I still adhere, and I may be permitted to add that I have since been in communication on the subject with many persons connected with the herring fishery, but never met with one who considered the existing legal close-time necessary or perceptibly beneficial to the fishing. I may also add that I have every reason to believe that there would have been a very general agitation from this island and the west coast generally for the repeal of the close-time were it not for the general expectation entertained since the publication of the Report of the Commission of 1862 that the observance of the close-time was no longer to be enforced. In point of fact, there has been no prosecution in Skye for contravention of the statute since 1862.

"I earnestly hope that this general expectation of an abandonment of the close-time may not prove ill-founded, for I think its enforcement would be found to involve at all times, but particularly in those seasons of severe privation which unfortunately are of too frequent occurrence in Skye, not merely the disadvantages indicated in my letter above referred to, but moral consequences hardly less worthy of consideration.

"To interfere in the way of prohibition with the accustomed food of a people without any very obvious necessity for such interference, and where the benefit expected from it appears at best but problematical, must be regarded by those who suffer from the prohibition as a measure of wanton oppression; and if the prohibition be arbitrarily applied to the inhabitants of those coasts in the kindom in which the means of life are most scanty, while the inhabitants of more productive and fruitful districts are carefully exempted from its operation, the measure must also be regarded as partial and unjust. The people of Skye are quiet, orderly, and habitually submissive to the laws. Amongst them smuggling and even poaching are almost unknown. I should regard it as a serious evil that such a people should be led, if not reasonably, at least naturally and plausibly, to look upon the law in its dealings with them as oppressive and unjust, and be exposed to the temptation, and no slight one it would be in time of dearth, to contravene if not to resist a regulation which interposed between their wants and the food which the bountiful provision of nature brought to their shores.

"I need not now revert to the injurious effect of the herring fishing close-time upon the long-line or cod and ling fishing by curtailing the supply of bait at the best season for the long-line fishing, but I may remark that serious as is the disadvantage referred to at present, it will become still more serious should the formation of the proposed railway from Dingwall to Skye lead, as in every probability it will, to a more extended and energetic prosecution of the cod and ling fishing in the Hebrides."

B 1.

Deputy Sheriff Fraser on the Effects of Legislation, as regards the Island of Skye.

"Sir, Mossbank, Portree, September 12, 1862.

I had the honour of receiving your intimation of 7th inst., and shall with pleasure afford to the Commis-

* Letter B 1 from Mr. T. Fraser.

sioners any facilities in my power in the prosecution of their inquiries.

"Trawling for herring is, I believe, a practice never resorted to in the lochs or on the shores of Skye; and if the inquiries of the Commissioners be restricted to the operation of the Acts on that subject alone, it is not probable that any aid or information in my power to give will be of use; but if the operation of the recent legislation regarding the herring fishery in general be within the scope of the inquiry, what I have to say regarding the close-time established, and the provisions for enforcing its observance, may perhaps be found deserving of consideration.

"A very large proportion of the people of Skye are familiar with the herring fishery from their youth, and they are deeply interested in it as a source of remunerative employment, and as supplying them directly with food. They are by no means deficient either in habits of observation or intelligence, and I believe they would not murmur at the restriction of a close-time, if they were satisfied that it would benefit the herring fishery, and that it was not of longer duration than was necessary for that object. It is of course not easy to convince men who have been engaged in the herring fishery from their boyhood that they are incompetent judges of the matter; and unfortunately their opinion is, that the close-time now established from 1st January to 20th May is of little, if any, advantage to the herring fishery, while it imposes a cruel restriction on their scanty means of living. They are not satisfied of the good effects on the fishery of *any* close-time, and they are quite satisfied that if any close-time be beneficial it should not extend beyond the months of March, April, and May.

"I am myself ignorant of the habits of the herring, and unacquainted with the fishery, nor have I seen any statement of the *data* on which the present close-time was established. I am therefore incompetent to form an opinion of the effects on the fishery to be anticipated from it. But I know that it has been in rigid observation for two seasons without any improvement on the fishing in this locality.

"Whatever may be thought of the views of the Skye people of the effect of the close-time upon the fishing, there can be no doubt of the disadvantages and hardships which the restriction imposes on themselves.

"Speaking generally, the herring fishery in summer and autumn was looked to in this country for *the money* which it produced, and the fishing in winter for *the food* which it afforded; and the importance of a winter fishing to a people whose food resources are so scanty and precarious in bad years as those of the people of Skye, cannot easily be overestimated. The present close-time deprives the people of this resource.

"Nor is this its only evil effect. The *long-line fishing* for cod, ling, etc., is, in some parts of Skye, an important branch of industry, and to extend and foster it is a matter of acknowledged public interest. In most parts of Skye, too, where not prosecuted for sale, this kind of fishing is resorted to for food. Now, I believe that herrings, though not the only, are the best bait for this fishing, and that it is in the winter and spring months that it is most successfully pursued. What the effect upon this fishing, whether regarded as a branch of industrry to be encouraged, or a source of food to be preserved, of a law which makes it penal to catch or use a herring for bait from 1st January till 20th May must be, is obvious.

"Last year, 1861, the herring fishery in Skye was a failure, and the crops both of corn and potatoes were lamentably deficient, the former to the extent of nearly one-half, and the latter to the extent of two-thirds. To add to what must have been the sufferings from deficient food, the fuel of the country, peats, had been only partially secured, and was scanty and bad. There was no cry of destitution, no appeal to the public for relief; and though, during that dismal winter, herrings came to the coast, and the people were prevented from taking them, no resistance was made; and four policemen, sent from Argyllshire for the purpose, were sufficient to secure the observance of the close-time in a population of 20,000. But there is no doubt that it was submitted to with bitter feelings, and not without a sense, natural enough in the circumstances, however, unfounded it may be deemed, of cruel oppression. What the condition of the people amongst whom this restriction on their food resources was enforced must have been during the season referred to, is perhaps in some measure indicated by the Registrar-General's Quarterly Returns, from which it appears that the mortality in Skye from 1st January till 30th June this year amounted to 328, being 137 in excess of the mortalty in the corresponding period of 1861, and no less than 170 in excess of the average mortality of the same period of the five preceding years. I have no reason to believe that any one case occurred, during the period referred to, of death from starvation; and it would, I think, be erroneous to attribute the excessive mortality exclusively to deficiency of food and fuel operating indirectly, but I cannot doubt that, to a considerable extent, the excess of mortality was connected with that deficiency.

"This year, also, the herring fishery in Skye has hitherto been a failure; the weather has been most unpropitious for the crops; the peats are still unsecured, and the prospects for the coming winter are sufficiently alarming. To what extent the harvest may be deficient, and to what extent the disease everywhere apparent in the potato crop may proceed, cannot yet be known; but it is quite clear to me, that if this year should prove as bad as last year, the effect upon the people must be much more disastrous, and this not merely because when two bad years follow each other people are necessarily less able to bear the second than they were to bear the first, but because I have reason to believe that much of the food used by the people last season was got on credit, and is still unpaid, which, of course, precludes them from the same resource should they need it now.

"I have entered into this detail, because it appears to me that the question as to the maintenance of a close-time in the herring fishery assumes a graver importance when regarded in connexion with the good prospects of the people.

"I have already adverted to the views of the people of Skye regarding the expediency of the close-time, and to the feelings with which they have hitherto submitted to its enforcement. But I must add that the Act is also regarded as unjust, because it restricts the people on the west coasts of Scotland, while the people on the east coast are left unrestricted; and they complain that they were prevented last winter from taking herrings for food to their families, and for bait for their long-lines, at the very time when their neighbours in Caithness were fishing for sale, and getting a high price for their fish.

"They also complain that the Act was passed to suit the large fish-curers, who do not choose to expose their vessels and keep up their establishments on the west coast during the winter and spring months, when the fishing is not worth *their* while, and yet are unwilling that others should be allowed to fish while they are off the station.

"Before concluding this paper, I may perhaps be allowed to notice one or two points of detail.

"Fishing in close-time is punished by a fine of not less than 5*l.* with expenses, and the forfeiture of the boats, nets, &c., used. To persons in the circumstances of our common Skye people, such a punishment is equivalent to actual ruin, and yet it is the lowest that can be inflicted under the statute.

"By the 1st section of the Act of 1861, any person having herring in his possession in close-time is rendered liable to a penalty of from 5*l.* to 20*l.*, besides forfeiture of the boat, &c., in which the herrings are found, unless he can prove that such herrings were not taken contrary to the provisions of the Act. Under this section, a gentleman, in whose boat a few herrings were found in close-time, was prosecuted for the penalty, and for forfeiture of the boat (a valuable one). He was unable to explain how the herrings came into the boat, and it was contended that, being found in his boat they were found in his possession, and that the case fell under the section. Circumstances, however, were proved that satisfied me that the herrings had been put into the boat without the owner's knowledge, and the prosecution consequently failed; but the occurrence of such a case seems to show that the facilities which the section in question affords to the prosecutor are not without danger to the public.

I have, &c.

(Signed) "J. FRASER,
"Sheriff-Substitute of Skye.

"The Chairman of the Commissioners of Inquiry."

C.

EXTRACT from EVIDENCE given by ALEXANDER KENNETH MACKINNON, Agent to Lord Macdonald, before the Royal Sea Fisheries Commissioners, at BROADFORD, ISLE OF SKYE, on the 8th of August 1864.

"(*Mr. Caird.*) Do you consider that a close-time in January and February is injurious?—(*Mr. A. K. Mackinnon.*) Yes.

"Is it very injurious to the people of Skye?—Yes, very injurious.

"If it were strictly enforced, would it be a serious loss to them?—It would be so serious a loss to them that the Board of Fisheries were obliged to abrogate the system. Last year we had as many boats fishing as we ever had before."